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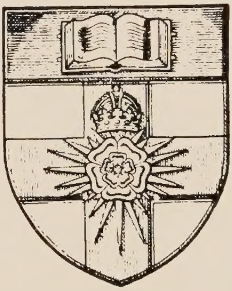

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Parliamentary Debates.

VOL. XXVII.

THE PARLIAMENTARY HISTORY OF ENGLAND, from the Earliest Period to the Year 1803, from which last mentioned epoch it is continued downwards to the present time in the Work entitled, " The PARLIAMENTARY DEBATES," published under the Superintendence of T. C. HANSARD.

The Twenty-Second Volume is ready for delivery, bringing the Parliamentary History of England down to the Year 1782.

THE

Parliamentary Debates

FROM

THE YEAR

1803

TO THE PRESENT TIME:

FORMING A CONTINUATION OF THE WORK ENTITLED
"THE PARLIAMENTARY HISTORY OF ENGLAND FROM THE EARLIEST
PERIOD TO THE YEAR 1803."

PUBLISHED UNDER THE SUPERINTENDENCE OF

T. C. HANSARD.

VOL. XXVII.

COMPRISING THE PERIOD

FROM

THE FOURTH DAY OF NOVEMBER

TO

THE SIXTH DAY OF JUNE

1813—1814.

LONDON:

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1814.

TABLE OF CONTENTS

TO

VOLUME XXVII.

I. Debates in the House of Lords.
II. Debates in the House of Commons.
III. Addresses.
IV. Prince Regent's Speeches.
V. Prince Regent's Messages.
VI. Parliamentary Papers.
VII. Petitions.
VIII. Protests.
IX. Reports.
X. Lists.

I. DEBATES IN THE HOUSE OF LORDS.

1813. Page
Nov. 4. The Prince Regent's Speech on Opening the Session 1
8. Treaties of Alliance 44
Victories of the Pyrenees—Capture of St. Sebastian, &c. 45
15. Insolvent Debtors 97
19. Insolvent Debtors 163
Militia Service Bill 164
22. Petition from Debtors in the Isle of Man 173
Accountant General of the Court of Chancery 173
Militia Service Bill 174
23. Insolvent Debtors 181
Militia Service Bill 186
24. Militia Service Bill 193
Clergy Penalties Suspension Bill 193
25. Loan Interest Bill 196
Clergy Penalties Suspension Bill 198
29. Insolvent Debtors' Bill 205
Dec. 1. Insolvent Debtors' Bill 222
2. Insolvent Debtors' Bill 229
3. Appeals—Dempster *v.* the Magistrates of St. Andrews 230
6. Slave Trade 243
Mutiny Bill 244
10. Frame Breaking Bill 275
13. Madder Duties Act 278
14. East India Circuitous Trade Bill 281

1813. Page
Dec. 20. Declaration of the Allied Powers ... 285
Adjournment of Parliament ... 286
1814.
Mar. 1. Message from the Prince Regent recommending a further Adjournment ... 324
24. Thanks to the Marquis of Wellington ... 346
April 4. Rupture of the Negociations for Peace ... 407
5. Writs of Assistance Bill ... 415
6. Civil Liberty—Imprisonment on Mesne Process ... 418
19. The Late Negociations, &c. ... 448
26. Gold Coin Bill ... 543
Helleston Election Bill ... 545
27. Suspension of Hostilities ... 559
29. Norway ... 586
Battle of Toulouse ... 588
Dulwich College Bill ... 588
May 2. Civil Liberty ... 607
Continental Treaties ... 619
4. Slave Trade ... 647
5. Corn Laws ... 652
Norway ... 653
Duke of Wellington ... 655
Slave Trade ... 656
6. Sweden and Norway ... 727
9. Civil Liberty Bills ... 739
10. Civil Liberty Bills ... 767
Prince Regent's Message respecting the Duke of Wellington ... 767
Earl Grey's Motion for an Address to the Prince Regent respecting the Blockade of Norway ... 768
Protest against the Rejection of Earl Grey's Motion for an Address to the Prince Regent respecting the Blockade of Norway 808
11. Duke of Wellington ... 813
Lord Lynedock ... 818
Lord Hill ... 819
Lord Beresford ... 819
Half-Pay Officers ... 820
13. Clergy Penalties Bill ... 865
17. Dulwich College Bill ... 923
Civil Liberty Bills ... 955
25. Appeal—Scott *v.* M'Intosh ... 1025
June 6. Corn Laws ... 1065
Treaty of Peace with France ... 1068

II. DEBATES IN THE HOUSE OF COMMONS.

1813.
Nov. 4. The Prince Regent's Speech on Opening the Session ... 22
5. Answer of Lieutenant General Abercromby to the Vote of Thanks ... 42

TABLE OF CONTENTS.

1813.		Page
Nov. 8.	The Prince Regent's Answer to the Address of Thanks	49
	Borough of Helleston	49
	The Speaker's Speech to the Prince Regent at the Close of last Session	50
	Vote of Thanks to the Marquis of Wellington for the Battle of Vittoria	64
	Thanks to Sir Thomas Graham, &c.	67
10.	Committee of Supply—Navy Estimates	69
	Borough of Helleston	75
11.	Petition of Debtors in the Fleet Prison	76
	Thanks of the House to Major General Anson	80
	Thanks of the House to Sir Thomas Picton	81
	Report from the Committee of Supply	83
	Militia Service Bill	83
12.	Committee of Supply—and of Ways and Means	95
	Insolvent Debtors in the Isle of Man	95
13.	Committee of Supply—and of Ways and Means	96
15.	Miscellaneous Estimates	105
	Ways and Means—Loan	107
	Militia Volunteering Bill	110
16.	Galway Right of Election—Petition of Mr. Joyce, &c.	121
	Insolvent Debtors' Bill	123
	Report from the Committee of Supply	123
	Report from the Committee of Ways and Means	125
17.	Non Resident Clergy	128
	Treaties with Foreign Powers	132
18.	Insolvent Debtors	157
	Convention with Russia and Prussia	157
	Militia Volunteering Bill	158
19.	Apothecaries Petition	164
	Petition of Printers of London	165
	Committee of Supply	168
20.	Petition of Mr. Wright against the Clergy Residence Bill	168
	Committee of Supply	172
22.	Insolvent Foreigners	177
	Helleston Election	179
23.	Duty on Madder	186
	Report from the Committee of Supply	187
	London Militia	187
	Militia Service Bill	188
24.	Helleston Election Bill	195
26.	Marine Mutiny Bill	199
	East India Sugar Duties	201
29.	Frame-Breakers' Bill	208
	East India Circuitous Trade Bill	214
	Mutiny Bill	215
	Apprentice Laws	217
	Frame-Breakers' Bill	218

1813. Page
Nov. 29. Police Magistrates 219
Duties on Brandy 219
Dec. 1. Apprentice Laws 224
Duties on Brandy 225
East India Circuitous Trade Bill 225
2. East India Circuitous Trade Bill 229
3. Insolvent Debtors Amendment Bill 232
Committee of Supply 236
Frame Breakers' Bill 238
4. Insolvent Debtors' Bill 241
6. Frame Breakers' Bill 246
7. State of Newgate 252
Insolvent Debtors' Bill 256
8. Frame Breakers' Bill 266
Insolvent Debtors' Bill 266
9. Wild Fowl Preservation Bill 267
East India Circuitous Trade Bill 268
10. Copper Currency 276
13. Poor Laws 278
14. Prince of Orange—Adjournment of Parliament 282
17. Adjournment of Parliament 284
Copper Currency 284
20. Declaration of the Allied Powers 299
Adjournment of Parliament 300
1814.
Mar. 1. Sir William Garrow's Appointment 329
The Prince Regent desires the House to Adjourn 332
21. Motion respecting an Amnesty to the Subjects of France 337
Marquis of Wellington 338
22. Fraud on the Stock Exchange 339
Colonial Offices Bill 339
Mr. Grant's Indemnity Bill 340
23. Petition of the Shipwrights of the Port of London 341
Corruption of Blood Bill 342
24. Thanks to the Marquis of Wellington, &c. 349
Clergy Non-Residence Bill 355
25. Election Laws in Ireland 359
Corruption of Blood, and Punishment of High Treason 360
Clergy Penalties Bill 360
Committee of Supply 363
28. Exchequer Bills 365
Colonial Offices Bill 365
Committee of Supply 370
Clergy Penalties Bill 371
State of Gaols in London and Southwark 372
29. Colonial Appointments 375
Elections Expence Bill 377
Petition of Mr. St. John Priest 382

1814. Page
Mar. 29. Mayo Election Petition 383
Committee of Supply 384
30. Hackney Poor Bill 385
The Speech of Mr. Speaker to the Prince Regent at the Close of last Session 386
31. Petition respecting East India Built Ships 391
Gold Coin Bill 393
Bill for the Regulation of the Employment of East India Shipping 394
Clergy Penalties Bill 395
Petition of Mr. Wright 396
Freehold Estates Bill 397
Fees of Courts of Justice 399
Clergy Penalties Bill 404
April 4. Clergy Penalties Bill 409
Copper Currrency 410
Rupture of the Negociations for Peace 411
Adjournment 412
New Custom House 414
5. Private Mad Houses 416
Corn Laws 417
6. Apprentice Laws 423
Petition respecting the Office of Gauger of London 425
Adjournment 427
Irish and British Spirits Intercourse 428
Population of Ireland 430
British Museum 430
18. Mr. Le Marchant's Appointment to the Civil Secretaryship of Antigua 431
The late Negociations 432
Colonial Offices Bill 434
21. Catholic Petitions 456
Princess Charlotte of Wales 460
The Prince Regent's Debts 461
Norway 462
Petition of Mr. Wright against the Clergy Residence Bill 463
22. Lord Morpeth's Motion respecting the Speaker's Speech to the Prince Regent at the Close of the last Session 465
25. Colonial Offices Bill 522
Governor Ainslie 522
Corn Laws 523
Droits of Admiralty 524
Mr. Le Marchant and the Fraud upon the Stock Exchange 524
Bank Restriction Bill 525
Petition of Mr. Duncan 526
Corruption of Blood Bill 527
High Treason Punishment Bill 538
Committee of Supply 541
26. Apprentice Laws 545

TABLE OF CONTENTS.

1814. Page
Apr. 26. Dublin Foundling Hospital 545
Election Expences Bill 546
Clergy Penalties Bill 551
27. Suspension of Hostilities 559
Sugar Drawback Bill 559
Poor Laws 562
Apprentice Laws 563
28. General Ainslie 575
Slave Trade 576
The late Actions at Toulouse and Bayonne 577
Sinking Fund 578
Sugar Bounties Bill 582
Irish Judges Salaries 583
Petition of the High Bailiff of Westminster 584
29. Norway 591
Freehold Estates Bill 592
Copy Right of Books 607
May 2. Cambridge Canal 620
Treaties with the Allies 622
Convention with France 627
Norway 631
Slave Trade 637
4. Governor Gore 648
Captain Colville 649
Prisoners of War 649
Subsidies, Treaties, &c. 650
Sinking Fund 651
5. Papers relating to the Counter-Revolution at Paris 662
Corn Laws 665
6. Captain Manby 728
Colonial Offices Bill 731
Petition of the Directors of the London Dock Company 737
9. Clergy Penalties Bill 741
Excise and Customs 741
Election Expences Bill 742
Report of the Committee on the State of the Gaols of the City of London 748
10. Prince Regent's Message respecting the Duke of Wellington ... 808
Prince Regent's Messages respecting Lords Lynedock, Hill, and Beresford 809
Weights and Measures 810
Copy Right of Books 810
Holborn and Finsbury Sewers Amendment Bill 811
12. Non-Execution of the Orders of the House 820
Danish Treaty 824
Duke of Wellington 825
Lords Lynedock, Hill, and Beresford 832
Blockade of Norway 834

TABLE OF CONTENTS.

1814.		Page
May 13.	Petition of Mr. Mallison	867
	Convoy Bill	867
	Catholic Board	871
	Navy Estimates	871
	Prince Regent's Message respecting the Duke of Wellington	873
	Corn Laws	875
	Apprentice Laws	879
16.	Petition respecting the Office of Gauger in the Port of London	884
	Erith Canal Bill	886
	Election Expences Bill	888
	Corn Bill	891
	Corn Trade	895
17.	East India Company	924
	Child Stealing Bill	929
	Roman Catholics	931
	Corn Trade	939
18.	Corn Trade	962
	Copy Right Bill	965
19.	Bristol Petition against the Corn Bill	966
20.	Petition from Mr. De Berenger	970
	Petition from the City of London respecting the Corn Trade	989
	Annuities to Lords Lynedock, Hill, and Beresford	990
	Wool Trade	991
	Corn Trade	991
23.	Case of Mr. De Berenger	997
	Corn Exportation Bill	1010
24.	Petition of Roman Catholics of Ireland	1016
	Petition of the High Bailiff of Westminster	1019
	Corn Bill	1020
25.	Petition of the Corn Distillers of England	1026
27.	Roman Catholics of Ireland	1027
	Corn Laws	1028
	Impressment of Seamen	1030
	Army Extraordinaries	1032
	Annuities to Lords Lynedock, Hill, and Beresford	1034
June 1.	Irish Spirits	1036
	Impressment of Seamen	1038
	The Princess of Wales	1039
	Army Extraordinaries	1042
3.	Corn Laws	1047
	The Princess of Wales	1048
6.	Corn Laws	1070
	Petition of Clockmakers of London	1072
	Treaty of Peace	1078
	Corn Laws	1084

III. ADDRESSES.

Page

1814.

May 5. Address of the Lords to the Prince Regent respecting the Slave Trade 661

IV. PRINCE REGENT'S SPEECHES.

1813.

Nov. 4. Prince Regent's Speech on Opening the Session 1

V. PRINCE REGENT'S MESSAGES.

1814.

May 10. Prince Regent's Message respecting the Duke of Wellington ... 808

- - - - - - - - - - - - - respecting Lords Lynedock, Hill, and Beresford 810

VI. PARLIAMENTARY PAPERS.

1814.

May 2. Treaties of Union, Concert and Subsidy between Great Britain and Austria, Russia, and Prussia 623

Convention for a Suspension of Hostilities with France, Signed at Paris, April 23, 1814........ 627

5. Papers relating to the Counter Revolution at Paris 662

June 3. Correspondence relating to the Princess of Wales 1048

VII. PETITIONS.

1813.

Nov. 13. Petition of Debtors in the Fleet Prison........ 76

12. - - - - of Insolvent Debtors in the Isle of Man........ 95

16. - - - - respecting the Galway Election 121

19. - - - - of the Apothecaries of England and Wales 164

- - - - of the Printers of London........ 165

20. - - - - of Mr. Wright respecting the Clergy Penalties Bill...... 168

1814.

Mar. 23. - - - - of the Shipwrights of the Port of London 341

29. - - - - of Mr. St. John Priest 382

31. - - - - respecting East India built Ships 391

- - - - (second) from Mr. W. Wright respecting the Clergy Penalties Bill 396

Apr. 6. - - - - of Mr. Walter J. Baldwin respecting the existing system of Imprisonment for Debt 421

- - - - respecting the office of Gauger of the City of London ... 425

1814. Page
Apr. 21. Petition of the Roman Catholics of Ireland 459
- - - - (third) from Mr. W. Wright respecting the Clergy Penalties Bill 462
25. - - - - of Mr. Duncan, Printer to the University of Glasgow ... 526
29. - - - - of the High Bailiff of Westminster........ 584
May 1. - - - - of Mr. William Wright relative to Imprisonment for Debt 608
6. - - - - of the Directors of the London Dock Company........ 737
13. - - - - of Mr. Mallison 867
16. - - - - respecting the Office of Gauger in the Port of London... 884
20. - - - - of Mr. De Berenger 970
- - - - from the City of London respecting the Corn Trade...... 989
24. - - - - of the Roman Catholics of Ireland 1016
25. - - - - of the Corn Distillers of England 1026
June 6. - - - - of the Clock-makers of London 1072

VIII. PROTESTS.

1814.
May 10. Protest on the rejection of Earl Grey's Motion respecting the Blockade of Norway 808

IX. REPORTS.

1814.
May 9. Report from the Committee on the State of the Gaols of the City of London 748

X. LISTS.

List of the Minority in the House of Commons, May 12, 1814, on Mr. Wynn's Motion relating to the Blockade of Norway 864
- - - of the Minority in the House of Commons, May 17, on Mr. Creevey's Motion for Papers relating to the Affairs of the East India Company 928
- - - of the Minority in the House of Commons, May 23, on the Corn Exportation Bill 1016

ADDENDA TO VOL. XXVII.

The Speeches of Robert Rickards, Esq. on the 2nd and 14th of June 1813, on the Renewal of the East India Company's Charter........ 1103

Parliamentary Debates

THE
Parliamentary Debates

During the Second Session of the Fifth Parliament of the United Kingdom of Great Britain and Ireland, appointed to meet at Westminster, the Fourth Day of November 1813, in the Fifty-fourth Year of the Reign of His Majesty King GEORGE the Third. [*Sess.* 1813/14.

HOUSE OF LORDS.

Thursday, November 4, 1813.

THE PRINCE REGENT'S SPEECH ON OPENING THE SESSION.] This being the first day of the Session, the doors of the House were opened early, and the greater part of the Peers' seats were soon occupied by a great number of ladies elegantly dressed. Several of the foreign ministers were also in the body of the House.

At two o'clock his royal highness the Prince Regent entered the House in procession; the earl of Liverpool carrying the Sword of State; the marquis of Winchester the Cap of Maintenance; the Crown and the Prince's Coronet being also borne, and the procession being made with all the accustomed state. His Royal Highness was attired in his robes, worn over a field marshal's uniform, and with a military hat. Having taken his seat on the throne, Mr. Quarme, the Deputy Usher of the Black Rod, was sent to the Commons to command their attendance. Soon afterwards, the Speaker, in his full dress robes, accompanied by a great number of members, came to the bar; when the Prince Regent delivered the following Speech:—

"My Lords, and Gentlemen,

"It is with the deepest regret that I am again obliged to announce to you the continuance of his Majesty's lamented indisposition.

"The great and splendid success with which it has pleased Divine Providence to bless his Majesty's arms, and those of his Allies, in the course of the present campaign, has been productive of the most important consequences to Europe.

"In Spain the glorious and decisive victory obtained near Vittoria has been followed by the advance of the allied forces to the Pyrenees, by the repulse of the enemy in every attempt to regain the ground he had been compelled to abandon, by the reduction of the fortress of Saint Sebastian, and finally by the establishment of the allied army on the frontier of France.

"In this series of brilliant operations, you will have observed, with the highest satisfaction, the consummate skill and ability of the great commander Field Marshal the Marquis of Wellington, and the steadiness and unconquerable spirit which have been equally displayed by the troops of the three nations united under his command.

"The termination of the armistice in the North of Europe, and the Declaration of War by the emperor of Austria against France, have been most happily accompanied by a system of cordial union and concert amongst the allied powers.

"The effects of this union have even surpassed those expectations which it was calculated to excite.

"By the signal victories obtained over the French armies in Silesia, at Culm, and at Denevitz, the efforts of the enemy to penetrate into the heart of the Austrian and Prussian territories were completely frustrated.

"These successes have been followed by a course of operations, combined with so much judgment, and executed with such consummate prudence, vigour, and ability, as to have led in their result not only to the discomfiture of all those projects which the Ruler of France had so presumptuously announced on the renewal of the contest, but to the capture and destruction of the greater part of the army under his immediate command.

"The annals of Europe afford no example of victories more splendid and decisive than those which have been recently achieved in Saxony.

"Whilst the perseverance and gallantry displayed by the allied forces of every description engaged in this conflict have exalted to the highest pitch of glory their military character, you will, I am persuaded, agree with me in rendering the full tribute of applause to those sovereigns and princes, who, in this sacred cause of national independence, have so eminently distinguished themselves as the leaders of the armies of their respective nations.

"With such a prospect before you, I am satisfied that I may rely with the fullest confidence on your disposition to enable me to afford the necessary assistance in support of a system of alliance, which, originating chiefly in the magnanimous and disinterested views of the emperor of Russia, and followed up as it has been with corresponding energy by the other allied powers, has produced a change the most momentous in the affairs of the continent.

"I shall direct copies of the several conventions which I have concluded with the northern powers to be laid before you, as soon as the ratifications of them shall have been duly exchanged.

"I have further to acquaint you, that I have concluded a Treaty of Alliance and Concert with the emperor of Austria, and that the powerful league already formed has received an important addition of force by the Declaration of Bavaria against France.

"I am confident you will view with particular satisfaction the renewal of the ancient connection with the Austrian government; and that, justly appreciating all the value of the accession of that great power to the common cause, you will be prepared, as far as circumstances may permit, to enable me to support his imperial Majesty in the vigorous prosecution of the contest.

"The war between this country and the United States of America still continues; but I have the satisfaction to inform you, that the measures adopted by the government of the United States for the conquest of Canada have been frustrated by the valour of his Majesty's troops, and by the zeal and loyalty of his American subjects.

"Whilst Great Britain, in conjunction with her Allies, is exerting her utmost strength against the common enemy of independent nations, it must be matter of deep regret to find an additional enemy in the government of a country whose real interest in the issue of this great contest must be the same as our own.

"It is known to the world, that this country was not the aggressor in this war.

"I have not hitherto seen any disposition on the part of the government of the United States to close it, of which I could avail myself consistently with a due attention to the interests of his Majesty's subjects.

"I am at all times ready to enter into discussion with that government for a conciliatory adjustment of the differences between the two countries, upon principles of perfect reciprocity not inconsistent with the established maxims of public law and with the maritime rights of the British empire.

"Gentlemen of the House of Commons,

"I have directed the Estimates for the services of the ensuing year to be laid before you.

"I regret the necessity of so large an expenditure, which I am confident however you will judge to be unavoidable, when the extent and nature of our military exertions are considered.

"I entertain no doubt of your readiness

to furnish such supplies as the public service may require.

"I congratulate you on the improved and flourishing state of our commerce; and I trust that the abundant harvest which we have received from the bountiful hand of Providence during the present year will afford material relief to his Majesty's people, and produce a considerable augmentation in many branches of the revenue.

"My Lords, and Gentlemen,

"I congratulate you on the decided conviction which now happily prevails throughout so large a portion of Europe, that the war in which the allied powers are engaged against the Ruler of France is a war of necessity; and that his views of universal dominion can only be defeated by combined and determined resistance.

"The public spirit and national enthusiasm which have successively accomplished the deliverance of the kingdoms of Spain and Portugal, and of the Russian empire, now equally animate the German people; and we may justly entertain the fullest confidence that the same perseverance on their part will ultimately lead to the same glorious result.

"I cannot but deplore most deeply the continuance of this extended warfare, and of all those miseries which the insatiable ambition of the Ruler of France has so long inflicted upon Europe.

"No disposition to require from France sacrifices of any description inconsistent with her honour or just pretensions as a nation will ever be on my part, or on that of his Majesty's allies, an obstacle to peace.

"The restoration of that great blessing upon principles of justice and equality has never ceased to be my anxious wish; but I am fully convinced that it can only be obtained by a continuance of those efforts which have already delivered so large a part of Europe from the power of the enemy.

"To the firmness and perseverance of this country these advantages may in a great degree be ascribed. Let this consideration animate us to new exertions, and we shall thus I trust be enabled to bring this long and arduous contest to a conclusion which will be consistent with the independence of all the nations engaged in it, and with the general security of Europe."

The Speaker and the Commons made their obeisances and retired; and the Prince Regent withdrew from the House in procession, with the same state as on his entrance; a discharge of artillery announcing his departure.

The ladies and foreign ministers then quitted the House.

The House adjourned during pleasure, and resumed about five o'clock; when the business commenced by the Lord Chancellor reading the Prince Regent's Speech, which was immediately afterwards again read by the Clerk at the table.

The Earl of *Digby* moved the Address. His lordship spoke for a short time; but in so low a tone of voice, that not a sentence could be heard below the bar.

The Address having been read by the Lord Chancellor,

The Earl of *Clare* rose to second it. His lordship lamented his own insufficiency upon such an occasion; but observed, that the brilliant course of events, upon which he had now to congratulate their lordships, was sufficient to inspire the humblest individual, and cheer the most diffident and unassuming. Whichever way they turned their eyes, British valour shone conspicuous, and the British standard waved triumphant. When they saw that the firmness of this country, in continuing the conflict with France, had led the way to that spirit of resistance to French domination which had now triumphed over all the power and resources of the French ruler; when they saw the ports of Europe opened to the commerce of Britain; and when they saw the British standard waving triumphant upon the territory of France; surely these were events that justly gave cause for exultation at the proud eminence of glory which the British empire had attained. If one dark spot clouded the scene of glory, if the lamented continuance of his Majesty's indisposition prevented him from participating in the joy and exultation of his people, they must reflect that perfect happiness was not the lot of man, and they might be assured that that people would not fail to recollect the benignant rule of their monarch who for fifty years had guided the helm of state with a steady and

Lord *Grenville* addressed the House to the following effect:—

My lords: I might, perhaps, in common with many of your lordships, think it unnecessary to trouble the House with any expressions of my sentiments, had I not felt, from the moment the glorious intelligence recently received, was obtained, a most earnest anxiety to be present on this occasion, and to offer to parliament my warm congratulations upon the successes that have crowned the efforts of this country. I was desirous to attend in my place, not certainly expecting that any differences of opinion would arise upon the various interesting topics of the Address; on the contrary, I anticipated, what I have the satisfaction to find confirmed, the complete and cordial concurrence of this House in that point, which justly formed the leading and capital feature of the Speech from the throne. I am happy, however, in availing myself of this opportunity of stating, not merely my acquiescence in the general sentiment, but my entire approbation of the tone and language of the Speech delivered this day by his Royal Highness to parliament. I think it but justice to say, that, in my opinion, there never were delivered from the throne, sentiments better adapted for the occasion, couched in terms better selected for the purpose. It is to me a great gratification at all times to bear my humble testimony to the propriety of any proceeding; but it is more particularly welcome to me at a time like the present, because, although I come here to discharge a common duty, I come here at no common moment; the crisis is now arrived when the mighty object, to which our wishes have been so long and so painfully directed, is near its accomplishment. From the moment when the inauspicious treaty of Basle was promulgated and known (I speak of an event that took place twenty years ago, the confederacy of the powers of Europe to resist France), those at the head of the diplomacy of the French empire have pursued with undeviating perseverance one fixed principle, which, in my judgment, contributed much more to her subsequent progress, than any boasted or real military pre-eminence, however great it may occasionally have been. I speak of that uniform system of separation and disunion by which she but too successfully laboured to sever and alienate those powers which, had they rightly understood their mutual interests, ought to have been fastened together by one common bond, for the defence of their freedom and independence, against the unceasing and reiterated aggressions of France (hear, hear!). I need scarcely remind you, my lords, (indeed the commemoration might by some be deemed a reproach) in detail of all the artifices of French diplomacy; I need not certainly recal to your recollections the unhappy success by which they were usually attended. It is unnecessary that I should shew how often, by the delusive prospect of some peculiar and separate advantage; by the vain hope of some spoliation of an unoffending neighbour; by the idle offer of a share in the territory of some defenceless state; by the seductive promise of a participation in the plunder of some weaker power, France has been able to withdraw from the general league, and even to enlist in her cause, those whose very existence (as experience has unfortunately shewn) depended upon a firm resistance to her insinuating encroachments. So painful must be the retrospection, that I would not now refer to it, were it not in the hope that a better blessing may be drawn from the remembrance. I would not turn my eyes upon the dark and dreary prospects of the past, did it not brighten by contrast the gratifying views of the future, where we see all those powers, formerly the victims of French chicanery and imposition, who had been deprived of their safety, their security, and their tranquillity, having returned to a due sense of their mutual interests, revenging themselves upon their oppressors for the wrongs they had been by artifice compelled to endure. Now then, my lords, we may triumphantly ask, is this the peculiar and separate cause of Great Britain?—No. Is this a contest merely respecting commercial prosperity, and the comparatively inferior concerns of trade?—No. We fight for that, for which we always professed that we fought: we arm for that for which we always boasted that we armed: we have maintained the contest for those objects for which we always declared that we maintained it;—viz. as the only possible mode of asserting the independence of other states, and, through their independence, of supporting our own—(Hear, hear!) The period has now arrived, when all Europe, with one voice, assents to the truth of our assertion; and though it be indeed late, yet, with the blessing of Heaven, it will not be too late for the full accomplishment of our great and benevolent design. Will then, my lords, this retrospection to the wily and too successful expedients of our enemy, create painful sensations in your minds? Surely not. On the contrary, does it not add to the overflowing sentiments of exultation at the achievements of our allies, when we see Europe at length united, I hope indissolubly, in a steady perseverance in those means which alone can afford it security and peace? It has been to us long manifest, that it was only by continued resistance, by the sacrifice of all partial views and interests, by a determination to pursue just measures and common objects, that the mighty fabric of French power (which had been long augmented by the ruins of neighbouring states) was to be demolished, and reduced to such limits as were consistent with the security and tranquillity of the other kingdoms of Europe.

There might, my lords, rationally exist variations of opinion as to the line of conduct which this country ought originally to have held; but I never heard the whisper of a difference of sentiment—I believe a doubt never entered the mind of man, as to the steps she ought to take, now that the moment is arrived when the consummation of our wishes is at hand. Knowing, therefore, as all must necessarily be aware, that at this grand moment, when the fate of Europe is depending, the anxious eyes of so many nations are fixed upon the first deliberations of the British parliament: knowing too, that the enemies of this new and victorious confederation, if possible with still more painful expectation, are waiting to hear the opinions declared and the language employed here upon this day; I feel it to be the duty, not merely of those who stand in the prominent situations of government, but of every man accustomed to take part in the debates of this House, to come forward and proclaim, distinctly and unequivocally, his sentiments upon this mighty subject: however humble his station, and however weak his sentiments, still they cannot, at this crisis, be a matter of indifference. As to arrangements of domestic policy, there may be conflicting sentiments; in a free country there must unavoidably exist personal predilections and political unions; but upon this grand question, all party conflicts must be swallowed up and lost: it is the cause of no party, of no set of individuals, but of the whole nation, joined in sentiment and in action, to effect a great and glorious purpose. (Hear, hear!) So long as the great powers of Europe confederated in this mighty cause (as has been well expressed in the Speech from the throne) shall persevere with unshaken firmness, to the sacrifice of all partial views and separate interests, in attempting the full accomplishment of what appears so near its completion, it equally concerns the welfare and the interest of Great Britain to strain every nerve, and to call forth every energy. Upon this point the royal Address is prudently guarded, and an acquiescence in it pledges no opinion adverse to the re-establishment of peace. God forbid that, in applauding the policy pursued, and in recommending a vigorous perseverance in the system, I should be understood as uttering any sentiment hostile to the re-establishment of tranquillity. Peace is the dearest blessing that a government can bestow on a nation over which it presides. Internal tranquillity may be considered as the first, and external peace as the second blessing that any power under Heaven can confer upon a people. This assertion is not only correct at all times, but more particularly true in the present situation of Europe: after the miseries that it has recently endured; after the long series of calamities with which it has been afflicted by the insatiable ambition of the ruler of France, it would be more than ever welcome: in the history of this country, or of Europe, where can a period be named, when the sufferings of the people more strenuously called for a restoration of tranquillity? To Great Britain, most assuredly, though bending under, yet cheerfully supporting, the unavoidable burdens of war; to our allies, whom no man will charge with too great precipitation in commencing hostilities, or with too extensive ambition in prosecuting them, no man will deny that peace will be inexpressibly grateful, provided it can be secured upon terms becoming the lofty and imposing attitude that recent exertions have enabled them to assume. Not even in the country of France, do I believe, that there exists more than one man who does not anxiously and earnestly desire the cessation of the horrors occasioned by a state of warfare—(hear, hear).—But I trust it is understood, that when we desire tranquillity, we expect the real blessing of peace, not the empty name; not the shadow, but the substance. Too long did deluded Europe, by temporary and partial truces, by concession following concession, purchase from the insatiable enemy a precarious quiet, a troubled sleep; furnishing to her foe the very means of his aggression, and of her own subjugation.

The time, my lords, is now arrived (and I rejoice that I have lived to see the hour) when the walls of a British parliament may again re-echo a sound formerly held sacred in this country, and upon the observance of which, I will venture to assert, depends the hope of the restoration of peace to Europe: I allude to the old-fashioned term, now almost forgotten, of a Balance of Power in Europe; and I offer up my thanks, with humble gratitude, to the Supreme Disposer of Events, that after so long a period he has permitted me to behold my native land in such a commanding situation, as to be able again to pursue that which ought to be the only legitimate object of foreign policy; I mean the establishment and preservation of a balance of power in Europe—(hear, hear, hear!) Often as the subject has been discussed and disputed, in my opinion, we ought not to consider the state and resources of another kingdom with any other view than this; that such limits may be assigned to the power of a nation, that it shall not be able to pursue any schemes of unjust aggrandisement which would destroy the equilibrium that ought invariably to be preserved. As to the debasement of the power or the degradation of the honour of any nation, that ought not to be our object; such a design would be a degradation to ourselves: we ought only to maintain that for which our ancestors shed their blood; which at former periods, and in the best times of English history, was held sacred, was never entirely abandoned, and only temporarily relinquished, because the then suppliant nations of the continent refused to unite for its maintenance. Now, however, the day-star of freedom once more dawns upon Europe—the night of ignorance and slavery is fast withdrawing, and a glorious day of liberty and happiness is promised to the awakening world. Now, then, let Great Britain resume her ancient policy: let her once more perceive, that the only mode by which the independence of the great commonwealth of Europe can be secured, is not by perpetual peace, for that is the visionary dream of visionary men; but by the maintenance of the balance of power, by which even in war itself the weak will find refuge from their oppressors.—(Hear, hear!)—Such is, in my opinion, the true object for the attainment of which this country is now called upon to exert her energies; such is the object for the attainment of which, in my judgment, no sacrifices will be too great: by that alone can domestic security be obtained; by that we shall firmly grasp the substance, instead of being idly deluded by the shadow, and shall for ourselves and other nations acquire the inestimable blessing of lasting tranquillity.

With respect, my lords, to the detail of particular measures; from entering upon them, the Speech has with great propriety abstained: upon them it would be more unfit that I should now dilate; but I desire to assure the House (as may be collected from the sentiments I have to-day expressed, if indeed it was not to be gathered from the whole tenor of my life), that whatever plans may be suggested, having these objects in view, I shall meet them with a most earnest wish to find that they are compatible with the interests of the country. I cannot be ignorant of the difficulties that may be opposed, and upon them it would be equally premature to offer any opinion; I do, however, fervently hope—nay I believe, that they may be surmounted; and when they are produced, I shall apply myself to them with an anxious wish that I may be able to give them my zealous support. I have now stated to the House what, I think, ought to be the policy of England, and I have hinted at the mode by which that policy ought to be pursued: there is but one course; and that is, the exertion of every means this country can employ—of influence, of persuasion, and even of power, if it be found necessary, to cement and unite the great confederacy now existing (hear, hear!)—Such is the happy situation of this island, that to discharge the functions she is called upon by Europe to perform, no other nation possesses equal advantages: in whatever disputes may arise, the continental powers must, in a greater or less degree, be interested. This country alone has no concern in such partial interests; she is the fit arbiter of all; and by whatever particular arrangements the balance of power is secured, her only care need be, that so beneficial an object should be ultimately accomplished. I therefore cannot too fervently or strongly im-

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press upon the House, that in this view the balance of power should be the polar star that is to guide us in all our movements. It would naturally give me the deepest concern, if, in these various undertakings, the seeds of jealousy and disunion were unfortunately to spring up; yet still we should have but one steady even course to pursue, not favouring either one party or the other; our object must be, to combine all Europe by the strongest link of union; by effecting which, we may look for the speedy completion of those great designs, the mere hope of which, a few months ago, was considered as little better than a dream of insanity. I have said, my lords, that in the character of umpire which Great Britain would assume, we ought generally to be guided by the strictest impartiality; but if there be any exception to this rule, if there be one part of the continent occupied by France, to which we might be justified in looking with peculiar interest, with something like paternal concern, it would be for the re-establishment of the independence of Holland. Among all the powers sacrificed to the inordinate ambition of Buonaparté, I know of none—Holland excepted—that can truly assert they fell victims to their alliance with Great Britain. In the hour of danger, threatened by an overwhelming force, Holland looked to this country for aid; and could any assistance have availed, this nation, I am convinced, would have made any sacrifice to save its falling friend. It has been well said, that this is not the fit period for talking of specific terms of peace; that this country must not pledge itself to do more than it can achieve, or to disappoint expectation by announcing what the course of events may prevent her from accomplishing; but intending on this day, my lords, to deliver, though in brief, a summary of what I conceive most important to be attempted, I feel that I should not have fully discharged my duty, or completely satisfied my own mind, if I did not express my opinion, that of all the consequences of success which Great Britain may contemplate, in the height of her exultation, there is none to which she ought to direct a more anxious eye, and none for which she ought to make greater sacrifices, or which would more redound to her honour and promote her interests, than the re-establishment of the Republic of Holland on such a basis as to enable her to resume the situation she formerly held among the powers of Europe.

My lords, we have recently witnessed what has been justly termed a success even beyond those expectations which the confederation of the allied powers would inspire. If it be the will of Providence, that the tide shall now turn, and that it shall pursue a direction opposite to that which since the year 1793 it has regularly kept; if we may now hope to resume that influence on the continent which we formerly enjoyed, to which the struggle we long almost singly maintained, to which the powerful assistance we have afforded to the common cause, to which the uprightness and disinterestedness of our motives entitles us, we may with gratifying, but not arrogant self-complacence, discharge those duties, which, while they promote and secure the permanent interests of our own country, are not less conducive to the general welfare and prosperity of continental Europe. I am aware, that this is a point on which it would be highly injudicious for any member of the executive government to express an opinion; and I therefore do not desire that any remark should be made in reply to this part of the subject; but I think it is due to that unhappy nation suffering such unmerited oppression from its attachment to England, that it should see, that at the moment when we are anticipating the period when we shall resume our influence on the continent, her peculiar claims have not been forgotten in the British parliament.

One word more, and I have done: it is to conjure you (I hope it is unnecessary) not to do me the great injustice of believing, that the opinions I have just uttered are the result merely of the exultation and triumph so justly felt in consequence of the recent welcome and unexpected intelligence. Undoubtedly, such events are calculated to warm the heart of every individual, who feels not only for the natural rights of man, but for the independence of nations: undoubtedly it does inspire me with fresh hopes and increasing confidence, that the glorious harvest is at hand, when we are to reap the fruits of all our toils, and of all our privations. I look forward with joy to the approaching re-establishment of many warlike and independent nations, when they will throw off the galling yoke that has pressed them to the ground, but has not broken their spirit. But, my lords, I do not wish you (nor have I myself so acted) to form opinions merely by recent events: those who, like me, have watched the whole course of these proceedings; those who have heard my opinions in their parallel to those proceedings; those with whom I have held conversation since the commencement of the confederation; those with whom, for the last fortnight, I have been in the habit of confidential communication upon the subject of the line of conduct I should this day pursue, know that my deliberate opinion, that the existence of such a confederacy, acting on no partial and contracted views, but pursuing one general object, of itself irresistibly called upon Great Britain to employ all her energies, and to devote all her exertions to the success of a common and a glorious cause—(Hear, hear, hear!)—Such was the sentiment I was prepared to express before the glad tidings last received were obtained; and I was prepared to add an exhortation, that, as the chances of war must necessarily be precarious, you would prepare yourselves to meet with firmness those disasters which human foresight could not predict, and which human wisdom could not prevent. Even under circumstances that, with some, might seem almost to justify the confidence of certainty, I now offer that exhortation. If, in the course of human events (although I see little cause to fear), any unforeseen calamity should unfortunately occur, remember the glorious cause in which you are engaged: it may for an instant damp your hopes; but let it not damp your ardour, or shake your resolution. (Hear, hear, hear!) Be assured, my lords, of this (I hope you are already assured of it), that there is for this country no separate safety, no separate peace. There is neither safety nor peace for England, but with the safety and peace of Europe. (Hear, hear!) As for continental Europe, it is equally true, that an indissoluble union, a firm confederation, in conjunction with this country, can only secure for all liberty, tranquillity, and happiness; can only obtain peace, now almost beyond the memory of living man. The plain duty of this country, placing its trust in Providence, is, to improve, by every possible exertion, the bright prospect that lies before us: with the energies of Great Britain, duly applied, ultimate success may be confidently anticipated; we may now look forward to the speedy accomplishment of that great purpose, for the attainment of which we have already sacrificed, performed, and endured so much; and for which we are still ready to sacrifice, perform and endure.

The Earl of *Liverpool* said, that if any thing could add to the gratifying feelings which recent events were so calculated to produce, it would be, what had just passed in that House. The events which had taken place in Spain and Germany were most important in themselves, and in the consequences to which they would necessarily lead; but they were not more important, than that England and the confederate powers, and all Europe, should see, that as to the great cause a spirit of unanimity prevailed in the British parliament. He had received the highest gratification from the speech of the noble baron (lord Grenville) who had just sat down. He had received also the highest personal gratification from the speech of his noble friend (lord Clare) early in the evening, than whom, he would boldly say, no one had ever exhibited greater promise of talents as a first effort, and who, from his eloquence and his sound principles, was so likely to become one of the first ornaments of that House. On such an occasion there were some topics to which the attention of the House was necessarily directed. In this he agreed with the noble baron (lord Grenville), that we had reached a period when the balance of power might, without fear of ridicule, be talked of as the foundation on which might be erected a just and lasting peace. We had seen, during the last 20 years, coalitions, whose size promised strength, crushed by the power of the enemy. What, then, we might inquire, was this new life which has given an irresistible impulse to the present confederacy of the northern nations? The feeling of national independence, that sentiment which impels all men to stand before the liberties of their countries. This feeling, which first arose in the nations of the peninsula, gave the war a new character, and afforded grounds to hope not only for the deliverance of those nations, but of the rest of Europe. There had before been wars of governments, but none like this between nations; and all our principles of policy and prudence must have been belied, if the issue of the present confederacy had not been very different from that of any of the former ones. They had before them instances of perseverance unexampled in any other cause than that of liberty;—they had seen nations, the least military of Europe, become formidable, and successfully resist the best disciplined troops of France. Small as that country was in comparison of some other nations of Europe, yet the establishment of the armies of Portugal was of the greatest consequence; as the foundation of the success of the allied armies in the peninsula; and as it gave, in addition to the general national feeling, a military tone, under the influence of which the Portuguese troops have been raised to an equality with the British. They had seen the Spanish armies employed, not only on the defensive, but in offensive operations, in a most critical moment, in which they had displayed the greatest steadiness. These happy effects had sprung from that feeling of national independence, which had been nurtured by the best blood of this country. He was advancing no paradox, but an opinion the truth of which was felt and admitted on the continent, when he said that the success of the cause of the peninsula gave new life to the suffering nations of Europe. Under the influence of this example, the greatest efforts of France had been frustrated; an army, large beyond example, annihilated, and the independence of the Russian empire vindicated. There were reasons why the feeling of independence could not extend to Germany so readily as to the other powers of Europe; not from any want of military spirit, but from peculiarities in the constitutions of its different states; and if it had been asked, to what state of Europe this spirit would have last manifested itself, he should have answered, the Prussian monarchy. But far otherwise had the event proved; for never did any exertions in the cause of independence surpass those of the Prussian people in the present struggle. He did not speak of the talents of their generals, or the zeal of their monarch, but of the sentiments which pervaded every individual in that country. It was to be inquired, what advantages were to be reaped from our successes, and what means were taken to give them effect. The continental powers were all made acquainted with the views of Great Britain; and there was not one of them that did not acknowledge them to be reasonable, moderate, and just; and on the ground of these acknowledged views were the efforts towards a general peace to be regulated. Where there were powers of such different interests engaged in a coalition, their confederacy was liable to accidents which would place them in disadvantageous circumstances, and these chances augmented in proportion to the extent of the confederacy; on this account a knowledge of common principles was most necessary. If for a moment they reviewed the events of the present campaign, the manner in which the operations were conducted, and especially that desperate movement, the passage of the Saale, and the manœuvres which ensued, we should be filled with sentiments of admiration. Notwithstanding these glorious successes, a successful termination of the war was only to be looked for from a vigorous continuance of the efforts which had been made. This was the great crisis, not only of Great Britain, but of Europe.—"God forbid," said the noble earl, "that in these efforts we should depart from political justice and moderation." These principles, he continued, should never be lost sight of; but it became us to be more moderate, as we were more vigorous. He agreed in this with the noble baron (lord Grenville), who thought that some fixed and certain terms of peace should be abided by—terms consistent with justice to all parties—with justice not only to our friends, but to our enemies. (Hear!) We should not ask from our enemies such terms, as in their situation we should not think reasonable to concede. (Hear, hear!) There was no principle on which to prosecute the war, but a desire to obtain a peace, by which a fair addition of strength should be made to those powers which had suffered in the contest.

The question was then put and carried unanimously.

The Earl of *Liverpool* rose to propose, that lord Walsingham be re-appointed Chairman of Committees; it was needless to say, that no one could be better qualified than the noble earl to fill that office.

The *Lord Chancellor* bore testimony to the qualifications of lord Walsingham for the office to which it was proposed to re-appoint him.

Lord Walsingham was accordingly appointed Chairman, and said a few words which we could not hear at the bar.

HOUSE OF COMMONS.

Thursday, November 4.

THE PRINCE REGENT'S SPEECH ON OPENING THE SESSION.] Mr. Speaker reported, That the House had, this day, attended his royal highness the Prince Regent, in the House of Peers, where his Royal Highness was pleased to make a most gracious Speech from the throne to both Houses of Parliament, in the name and on the behalf of his Majesty; of which Mr. Speaker said, he had, to prevent mistakes, obtained a copy. [See p. 1.] After the Speaker had read the Speech,

Earl *Compton* rose. He observed, that in now addressing the House, he had not the same apology to plead which gentlemen commonly had to whose lot it fell to move addresses in answer to speeches from the throne, having on former occasions taken the liberty of trespassing on the time of the House. The task, however, which he had to perform on the present occasion, he felt was infinitely lighter and easier than such tasks in general were—much easier and lighter, he believed, than from the posture of our affairs, both abroad and at home, it had been for a great many years past. Every part of the task which he had to discharge, was of an agreeable kind, except that single allusion with which the speech of his royal highness the Prince Regent set out—namely, the unfortunate continuance of the distressing malady with which his Majesty was afflicted—a calamity which not only every gentleman in that House, but every person throughout the kingdom, must concur with his Royal Highness in deploring. In every other circumstance to which he should have to allude, he felt, and he was satisfied every one in that House would concur with him in feeling, there was room only for congratulation; and that the subjects to which, by the Speech, our attention was called, were calculated solely to inspire gratitude for the present, and hope and assurance for the future. This, he was certain he might say with respect to every step that the allies in Saxony had taken, with the exception only of the first attack upon Dresden. As the House was already fully acquainted with all the glorious details which had been lately received from the allied armies on the continent, he should not attempt entering into a recapitulation of them; but should content himself with saying, what he was convinced the fact would bear him out in asserting, that, previous to the last great battle, Buonaparté must have lost not fewer than 100,000 men. Last year, France, Austria, Bavaria, and Prussia, were all united in one common cause; now, the three powers last mentioned were united with Russia against France, and in support of the cause in which this country was engaged. Of what description, too, was the force which the ruler of France had at his disposal?—Was it composed of veterans, as his former armies had been? No; on the contrary, it was made up of men dragged from their families, and carried bound in chains to fight his battles. When the modern Attila recollected of what description of troops his armies had been composed, and what was their description now, he might well, on comparing the past with the present, and anticipating the future, exclaim—

> "Non tali auxilio, nec defensoribus istis
> Tempus eget."—

The result of the last battle was such as might have been expected from such a state of things; it was a battle which he might well say was unparalleled in the history of modern Europe; it was a battle, the effect of which would be to rescue Europe and the world from slavery and oppression; it was a battle, the plan of which had been laid by that great man who had come from another quarter of the world to resist the oppressor, and aid the cause of the oppressed; and who, though he did not live to see the effect of the operations, had by his counsels contributed largely to the success of them.—He could not, however, leave this part of the subject without paying the tribute of his approbation and applause to the magnanimous spirit of the Russian emperor, who had been the main spring from which the successful opposition to the ruler of France originated; and also to the Crown Prince of Sweden,—whose skill and bravery so justly called for our thanks and admiration, as they had already drawn down upon him aspersion and invective from the government of France.—Of Moreau, it might be truly said, that he had lived for the liberties of France, and died for the liberties of Europe. When we turned from Germany to Spain, there we had equal matter of congratulation, in the capture of St. Sebastian's, in the expulsion of the main army of France out of Spain, and in the rearing of the standard of England on the frontiers of France. It was an undeniable fact, that the invasion of France would not only prove a very material diversion in favour of the allies, but would have the effect of depressing the spirits of the French people, by convincing them, that all the hardships to which they had submitted, in having conscription after conscription imposed upon them, were not sufficient to protect the soil of France itself from being polluted by the foot of an invading enemy. The present state of Europe was to be looked at with still greater satisfaction, from observing that the present was not a paltry coalition among a number of different powers, actuated by various feelings, and impelled by distinct and contending interests; but a union of all the sovereigns of the continent, backed by the unanimous wishes of their people, linking them together in one common bond of union. When we turned our eyes to America, we naturally felt regret on thinking that we were at war with that country. Our regret, however, must be equalled by our astonishment—when we considered that America, the only great republic in the world, was allied with France, our common enemy, against the liberties of mankind. She had not, indeed, entered into an alliance with France signed and sealed; but still she nevertheless directed her efforts as far as in her lay to do good to our enemy, and to do all the injury she could to us. It was to be hoped, that America would yet see the folly of her conduct; that she would be aroused from her dream by the thunder of the Shannon; that the reception her armies had met with in Canada would tend still more to effect this desirable object; and that the certainty of the successes and triumphs of the allies, and of the defeats and discomfitures of the French armies, would speedily lead her to see the folly of her conduct. While we saw such ample subject of gratulation in the successes of our own arms, and in the equally glorious and important achievements of our allies on the continent, we had still an additional cause for gratitude in the abundant harvest with which Providence had blessed us. Industry had now once more returned; our manufacturers were at work, and we should not again, it was to be hoped, hear of distresses among our artizans and labouring poor, arising from want of employment. One thing he could not help regretting; that a right hon. gentleman now no more, and whose loss had been so deeply lamented in that House, and in the country (Mr. Perceval), had not lived to see this day—that he had not lived to see that Israel he so much loved thus on the point of being established; that he had not lived to see our arms crowned with the laurels which now encircled them, and which he trusted would end in a peace honourable and lasting. His lordship then concluded by moving,

"That an humble Address be presented to his royal highness the Prince Regent, to assure his Royal Highness, that we fully participate in the deep regret which his Royal Highness has expressed at the continuance of his Majesty's lamented indisposition:

"To congratulate his Royal Highness on the great and splendid success with which it has pleased Divine Providence to bless his Majesty's arms, and those of his allies, in the course of the present campaign, which has been productive of the most important consequences to Europe:

"That we rejoice to find that in Spain the glorious and decisive victory obtained near Vittoria has been followed by the advance of the allied forces to the Pyrenees, by the repulse of the enemy in every attempt to regain the ground which he had been compelled to abandon, by the reduction of the fortress of St. Sebastian, and finally by the establishment of the allied army on the frontier of France:

"That, in this series of brilliant operations, we have not failed to observe, with the highest satisfaction, the consummate skill and ability of the great commander field marshal the marquess of Wellington; and the steadiness and unconquerable spirit which have been equally displayed by the troops of the three nations united under his command:

"That we rejoice to learn that the termination of the armistice in the north of Europe, and the declaration of war by the emperor of Austria against France, have been most happily accompanied by a system of cordial union and concert amongst the allied powers, and that the effects of this union have even surpassed those expectations which it was calculated to excite:

"That, by the signal victories obtained over the French in Silesia, at Culm, and at Denevitz, the efforts of the enemy to penetrate into the heart of the Austrian and Prussian territories were completely frustrated:

"That these successes have been followed by a course of operations, conceived with so much judgment, and executed with such consummate prudence, vigour, and ability, as to have led, in their result, not only to the discomfiture of all those projects which the Ruler of France had so presumptuously announced on the renewal of the contest, but to the capture and destruction of the greater part of the army under his immediate command:

" That, whilst we are convinced the annals of Europe afford no example of victories more splendid and decisive than those which have been recently achieved in Saxony, whilst the perseverance and gallantry displayed by the allied forces of every description engaged in this conflict have exalted to the highest pitch of glory their military character, we gratefully render the full tribute of our applause to those sovereigns and princes who, in the sacred cause of national independence, have so eminently distinguished themselves as the leaders of the armies of their respective nations:

" To return his Royal Highness our humble thanks for his gracious intention of directing copies of the several conventions which his Royal Highness has concluded with the northern powers to be laid before us as soon as the ratifications of them shall have been duly exchanged; and to assure his Royal Highness that he may rely on our disposition to afford his Royal Highness the necessary assistance in support of a system of alliance which, originating chiefly in the magnanimous and disinterested views of the emperor of Russia, and followed up as it has been with corresponding energy by the other allied powers, has produced a change the most auspicious in the affairs of the continent:

" That we learn, with the utmost satisfaction, that his Royal Highness has concluded a treaty of alliance and concert with the emperor of Austria; that the powerful league already formed has received an important addition of force by the declaration of Bavaria against France; and that the ancient connection with the Austrian government has been so happily renewed; and to assure his Royal Highness, that, while we duly appreciate all the value of the accession of that great power to the common cause, we shall proceed without delay to consider of the means of enabling his Royal Highness to support his imperial majesty in the vigorous prosecution of the contest:

" That we cannot but lament the continuance of the war between this country and the United States of America, but that we fully share the satisfaction expressed by his Royal Highness, that the measures adopted for the conquest of Canada have been frustrated by the valour of his Majesty's troops, and by the zeal and loyalty of his American subjects:

" That it must be matter of deep regret to find that, whilst Great Britain, in conjunction with her allies, is exerting her utmost strength against the common enemy of independent nations, we have to contend against a country whose real interests in the issue of this great contest must be the same as our own:

" That we are concerned to learn that his Royal Highness has not hitherto seen any disposition on the part of the United States of which he could avail himself, consistently with a due attention to the interests of his Majesty's subjects, to put an end to a war, in which undoubtedly this country was not the aggressor:

" That we receive with great satisfaction his Royal Highness's gracious assurance that he is at all times ready to enter into discussion with that government for a conciliatory adjustment of the differences between the two countries, upon principles of perfect reciprocity not inconsistent with the established maxims of public law and with the maritime rights of the British empire:

" To return our humble thanks to his Royal Highness for having directed the estimates for the service of the ensuing year to be laid before us:

" To assure his Royal Highness, that, while we regret the necessity of a large expenditure, we are fully sensible of the necessity of great military exertions, and shall readily furnish such supplies as the public service, in this momentous crisis, may require:

" That we must, at the present moment, receive with peculiar satisfaction the assurance of the flourishing state of our commerce: and we are grateful to the bounty of Divine Providence for the abundant harvest of the present year, which must afford material relief to his Majesty's people, and produce a considerable augmentation in many branches of the revenue:

" That we rejoice to learn that a decided conviction now happily prevails throughout a large portion of Europe, that the war in which the allied powers are engaged against the Ruler of France, is a war of necessity, and that his views of universal dominion can only be defeated by combined and determined resistance, and that the public spirit and national enthusiasm which have successively accomplished the deliverance of the kingdoms of Spain and Portugal, and of the Russian empire, now equally animate the German people; and we entertain the fullest confidence, that the same perseverance on their part will ultimately lead to the same glorious result:

"That, while we most deeply deplore the continuance of this extended warfare, and of all those miseries which the insatiable ambition of the Ruler of France has so long inflicted upon Europe, we receive with peculiar satisfaction the proof of the wisdom and moderation which animate the councils of his Royal Highness and the allies, afforded by the declaration of his Royal Highness, that no disposition to require from France sacrifices of any description inconsistent with her honour or just pretensions as a nation, will ever be an obstacle to peace, and that the restoration of that great blessing, upon principles of justice and equality, has never ceased to be the anxious wish of his Royal Highness; but that we are fully sensible that it can only be obtained by a continuance of those efforts which have already delivered so large a part of Europe from the power of the enemy:

"To beseech his Royal Highness to believe, that, whilst we look back with satisfaction and pride on the firmness and perseverance of this country, to which these advantages may in a great degree be ascribed, we are fully prepared for such new exertions as the nature of the contest may demand, by the happy effect of which we entertain the confident hope that his Royal Highness will be enabled to bring this long and arduous struggle to a conclusion which will be consistent with the independence of all the nations engaged in it, and with the general security of Europe."

Mr. C. *Grant*, jun. seconded the motion in the following terms:—

Mr. Speaker—In rising to second the Address of the noble lord, I perceive with satisfaction that it is not necessary for me to use arguments in its support. I flatter myself that as to its principal topics there will be no difference of opinion. In the situation, therefore, in which I am placed, I feel myself called upon, not to persuade a unanimity which, I trust, already exists; but rather to give expression to the general sentiment, and to participate in the general feelings of the House and of the country. I beg, therefore, to offer my congratulations upon the prosperous situation of this country, upon the internal tranquillity of our provinces, upon the restoration of commerce, and upon the abundant harvest with which it has pleased Providence to bless these realms. I offer my congratulations, also, upon the situation of our foreign affairs. I need not say that I cordially concur with the noble lord in every word of that eulogy which he has so ably and eloquently bestowed upon our allies in the peninsula; upon the valour and unanimity which has secured to their exertions such a glorious issue. I need not say that I cordially concur in every word which he has uttered with respect to the conduct of the British troops, and to that distinguished commander, lord Wellington. Yet, Sir, amongst all the great qualities with which lord Wellington is so richly endowed, and which have elevated him to the sphere in which he moves, there is none that has impressed my mind more deeply than that undaunted and intrepid spirit, the sure proof of a genius conscious of its resources, which enabled him to defy the public opinion as to the invincibility of France. He did not sink under the weight of the enormous fame which surrounded those great commanders whom he was called to combat, and whom he has successively vanquished. Admirable, therefore, as I think his conduct in every part of Spain, in his sieges, at Salamanca, at Vittoria, on the Pyrenees, I do not know if he is not to me still more truly great, still more worthy of admiration, at that moment, when, relying only on his single genius, in a remote corner of Portugal, he threw up those lines, within which he secured the hope and the happiness of the civilized world. But if these occurrences demand our attention, there are occurrences in other parts of Europe which no less imperiously demand it. When I mention Germany, I know well what sensations, at this peculiar moment, I excite in the breast of every man who hears me; I know what sympathies are awaked, what hope, what enthusiasm. I am deeply sensible that no language of mine can possibly do justice to those feelings, or represent, in colours sufficiently glowing, the greatness of those victories and their invaluable consequences. I can only refer to the recital of those facts which are impressed on our memories; I can only advert to the names of Saxony and Leipsic, names now and for ever associated with all that is profound in counsel, or lofty in heroism, or splendid in success. I can only allude to the altered fortunes of Germany. What was the condition of Germany but a few months ago? She seemed to be sunk in a lethargy from which there was no recal. Throughout that region there was no movement, but that of the desolating armies that secured its submission; no voice, but that of the conqueror, insulting the chains of his victim. Allow me to ask, where now are those armies? Where is that empire which seemed to rest on the pillars of the world, and was to be shaken only by the convulsions of dissolving nature? Sir, the hour of retribution is at length arrived. He who had no mercy upon others is now reduced to a condition which may excite the pity of his most implacable enemy. He who has made so many miserable is now condemned to drink to the very dregs the bitter cup of degradation and sorrow. He is thrown from his elevation, despoiled of his glories, hunted from hill to hill, and river to river; the props with which he had supported his power are falling around him; he finds no defence in the thrones behind which he had entrenched his usurped dominion. By a connection with ancient families, he had hoped to clothe his new greatness with something of prescriptive pomp and veneration; but he sees those hopes vanishing before him—Austria renouncing his alliance,—Bavaria quitting his ranks,—Saxony torn from his grasp,—the Rhine itself anticipating the hour of deliverance; and that hour will assuredly come. We have the pledges of its approach in all that is past; we have the pledges of its approach in these brilliant achievements, in the last desperate struggles, in the august spectacle of that day when three sovereign princes, fresh from the hard-fought field of victory, and each at the head of his respective troops, entered the city of Leipsic, amidst the acclamations of a people whom they had rescued from slavery. Oh! day memorable for ever! Oh! proud consummation of a series of triumphs! The tyrant is humbled, and the freedom of Europe is achieved. We may now, I think, venture to make that assertion. We are now, indeed, too much in contact, too close to these great events, justly to appreciate their grandeur and their effects; for it is with these prodigious displays of moral power as it is with the grandeur and bolder features of nature. It is not till we are removed from their immediate vicinity, that we can ascertain their dimensions, and appreciate their real magnificence. Yet this we may even now assert, that, in the whole range of modern history, there is nothing equal or second to these achievements, and that this is one of those events (of which there are not many in history), which, taken singly and by itself, decides the destinies of nations, and changes the face of the world. It is true, Sir, that the sufferings of humanity were long protracted. It is true, that the hope of all nations was at length wearied out into a dumb and listless despair. We, even we ourselves, began at last to think that there could be no propitious result. We almost believed that, in favour of one individual, the eternal laws of God and nature, (laws which, till then, we had deemed eternal) were reversed. We almost imagined that the lessons of moral wisdom had been false, and that the wishes and execrations of so many millions exercised no influence over the fates and fortunes of their fellow man. But if the day was delayed, it must be confessed that it was delayed for a terrible purpose—that it might concentrate its destructive energies, and approach at last with redoubled and accumulated horror. If the sufferings of humanity have been prolonged, they were prolonged, that they might, in the course of a few months, be overpaid in ample measure. Now, instead of armies heartless in the cause, generals corrupt or incapable, sovereigns blind to their interests and their fame, we see nobles and kings fighting in the ranks—we see crowds of accomplished captains—and where we number men, we number heroes and patriots. It seems, indeed, if I may venture to say so, as if all the treasures of consolation, all the pomp and glory of recompense, were reserved for this occasion. In this one campaign is concentered the military renown of ages. All that is great, and illustrious, and noble—all that is romantic in bravery, and wise in counsel—all that is venerable in hereditary worth, or irresistible in popular opinion—the majesty of thrones—the grandeur of empires—the transcendency of genius—the omnipotence of mind—all natural, all moral energies, seem to be thrown together, crowded and heaped upon each other, to form, as it were, a stage, on which a spectacle at once so consoling and so tremendous, might be exhibited to the eyes of an astonished world. While we exult in these successes, I am sure the House will join in bestowing every applause upon those by whom they have been achieved. I believe it has rarely, if ever, happened, that military operations have been carried on, on so vast a scale. It is admirable to observe the precision with which they have been conducted, the singular union of caution and enterprise, the unexampled unanimity of design and of execution. But while we pay this tribute to those illustrious men, let us not separate from that heroic society, the name of him, who, when alive, formed one of its brightest ornaments. We all remember that the loss of general Moreau seemed to throw a dark omen over the approaching campaign. Exalted by his exploits to the first rank of military commanders, and endeared to the friends of freedom by his principles and character, he was summoned from the depths of the new world, from his exile, as if by the universal voice of Europe. He obeyed the call; he came, he planned; he fell a martyr to that cause, at the very commencement of those operations upon which he had impressed the stamp of his powerful genius, and to which he had communicated a principle of success, which, though deranged for a moment, has, at every subsequent period, been acquiring fresh strength and developing new resources. Disastrous, however, as his death undoubtedly was to the interests of Europe, much as it was to be deprecated, as furnishing matter of exultation, a momentary one indeed, but of base and malignant exultation, to his adversary; yet I agree with the noble lord, that, with respect to his own glory, we can scarcely be justified in regarding such a death, as the sequel of such a life, in the light of a misfortune. If indeed there be any consolation, any triumph in the thought of the deep and poignant regret of all classes of men, then may that grave be called his trophy of renown; and if it was destined that his death should be premature, as we should term it, I know not on what occasion, in what cause it could have been so gloriously suffered.

Quod si immatura manebat
Mors natum, cæsis Volscorum millibus ante,
Ducentem in Latium Teucros, cecidisse juvabit.

I believe indeed, Sir, that Buonaparte himself must secretly envy a death so incurred and so honoured. I believe that he must sometimes reflect with what other sensations the intelligence of his own fate would have been received by that Europe which wept over the fate of his rival, and with what different emotions after-ages will visit his tomb, on whatever soil it may arise, and the tomb of the man whom he persecuted while living, and has insulted when dead. After we have recovered from the first impressions of the late stupendous events, it is natural to advert to that part of his Royal Highness's speech, in which these events are in part at least ascribed to the conduct of this country. And certainly, if it be asked, the change which has taken place on the continent must be mainly attributed to our example—an example, indeed, which did not require success to recommend it; but which now, crowned as it is with such signal results, must be for ever memorable. If, at the commencement of these troubles, we had shewn a dastardly spirit; if we had betrayed the cause of freedom; if we had sunk under the ascendency of lawless power—where now would have been the deliverance of Europe? where would have been the rallying ground on which the hopes and affections of an afflicted world might gather themselves, and find refuge? We chose a nobler and better policy. Having ascertained the course which we were destined to tread, we entered upon it with fixed hearts and prepared resolutions—and in spite of difficulty and danger, amidst the sound of falling thrones and empires, we maintained our inflexible career; and upon what principle did we so maintain it? upon the principle of national independence; upon this principle, that opposition to lawless aggression is at all times a sacred duty, and that the hope of Europe was to be found only in a vigorous and inexorable resistance. There will be no prouder page in history than that which tells of that struggle and its victorious result; which tells, that at a period when the foundations of the world seemed to be shaken, when all former institutions were swept away, rather as if by a sudden whirlwind, than by any of the ordinary means of destruction, there was yet one nation, which, reposing under the shade of a happy constitution, proud of its ancient liberties, and worthy to defend them, dared to measure its matured and disciplined valour at one time against the unnatural energies of a frantic democracy, at another time against the gigantic resources of the most tremendous despotism that ever scourged the world. If, Sir, history after this narration were obliged to add, that in this struggle at last we fell, but that we fell gloriously, with our arms in our hands and our faces to the foe, even this would have been no mean praise; this would have been praise enough to satisfy the most aspiring nations of antiquity; it would have been praise enough to fill up the warmest wishes of that gallant and patriot band who left it to be engraved on their tombs, that they died in obedience to the laws of their country. But, thank God, Sir, history will be called, not to lament the fall of British greatness, but to celebrate its renewed exploits and its living triumphs. The conduct which we have pursued can acquire indeed no accession of merit from the issue to which it has led; but it is satisfactory to observe how admirable have been its results. It has kindled throughout Europe a flame which, I trust, is unquenchable. It is to the theatre of these contests, it is to that soil which but lately seemed incapable of producing a single effort, that the moralist of after-ages will resort for examples of instruction, when he denounces the fall of unhallowed greatness. There, too, will the patriot look for lessons of enthusiasm and disinterested virtue. This is the glorious feature of the present war.—I have heard it observed of America, that her conduct has dispelled those classical associations which we have been accustomed to indulge, of republican virtue and republican excellence. That remark was not more eloquently than justly made. But if we are obliged to give up that class of associations, I perceive with exultation, that there is yet another class of associations no less sacred and venerable, which we may now cherish with additional fondness—I mean those associations which enforce the belief of instinctive patriotism, of unbidden enthusiasm in the cause of virtue, of the grandeur of self-devotion, of the magnanimity of great sacrifices for great objects, for honour, for independence. We must all recollect with what delight we imbibed these sentiments at the fountains of classical learning, and followed them out into action in the history of great men and illustrious states. But of late, and especially towards the close of the last century, there seems to have crept into this nation a sort of spurious and barren philosophy, of which it was the object to decry those associations; to represent them as the illusions of ignorance, or frenzy, or falsehood; to curb the original play of nature; to inculcate coldness and selfishness upon system; and to substitute in the place of all that formed the delight of a higher philosophy, a spirit of lazy deliberation, conducted by apathy, and ending therefore in meanness and dishonour. It was this philosophy which taught that those ideas of excellence had no antitypes in nature. It was this philosophy which taught that it is not only more prudent, but more conformable to the laws of our being, for every man, in time of danger, to reason before he followed the promptings of true courage, to make it a matter of calculation whether his country be worth saving before he draws the sword in her defence; to reduce it to a question of algebra, or a problem in geometry, whether he should resist the efforts of tyranny, or bow before the yoke. It must be confessed, that the history of the past age, and especially the sleep which seemed to have spread over Europe, gave too much countenance to these pernicious maxims. But the hour is at length come, which has exposed the fallacy of these speculations, and rescued human nature from these calumnies. The experience of the few last years has abolished, I trust for ever, that heartless and bloodless system, the miserable abortion of a cold head and depraved imagination, which never waked one noble thought, nor inspired one generous action. The experience of the few last years has proved that they were not false and visionary, those high sentiments which we were taught to respect; but that they are founded upon whatever is deepest and purest in the human character. It has proved, that true reason is never at war with just feeling; that man is now what he was in those distant ages, a creature born indeed to act upon principle, but born also to act upon strong passions,—and that he never acts more nobly, more wisely, more worthily of himself, than when he acts by the prompt persuasion of grand passions, sublimed and directed by lofty principles. Such, Sir, is the situation in which we are placed, and such are the prospects which we may reasonably entertain. If, amidst so many causes of contentment and gratitude, there be any circumstance that can excite regret, it surely is that to which his Royal Highness has alluded in the commencement of his speech; it is, that our sovereign cannot share our joy; it is, that these blessings cannot be enjoyed by him whose exemplary virtues have, I believe, in no small degree contributed to draw them down upon this nation. I cannot help, however, sometimes indulging a hope, that in recompence for those virtues, and in return to the wishes of his subjects, that venerable personage may yet be reserved to witness the effect of these exertions; and that, having been withdrawn from the world at a time of tumult and agitation, he may be allowed at last the exquisite gratification of seeing that world calm and pacific under the effects of a solid tranquillity; for this, it should be recollected, is the end of all our efforts. I was very glad to hear that explicit declaration in the Speech of his Royal Highness. I am glad that it will be resounded in the ears of Europe, and may perhaps reach the French people. We know the sincerity with which we pursue that object. We demand on our part only one condition, which we consider as indispensable,—that the peace shall be consistent with the liberties of Europe. We concede to France, in return, one condition which she, on her part, also has a right to make indispensable—that the peace shall be consistent with her national honour. Upon this basis, I should hope the close of hostilities may not be long deferred, unless, indeed, France should be of opinion that there is any thing incompatible between these two conditions. But, anxious as we are to procure peace, let us remember by what means alone such a peace can be obtained as we could safely accept. Let us recollect, that it must not be a peace founded upon a compromise of any great interest; upon a dereliction of any sacred principles; the creature of timidity on our part, of insolence and artifice on that of the enemy. It must be a peace founded on mutual advantage and mutual confidence, and resting on the basis of social order, law, and justice. Sir, the eyes of Europe are upon this House. In our deliberations this session are involved consequences the most important to humanity. Let us reflect on the situation in which we are placed, and remember, that, in proportion to our grandeur, is the responsibility with which we are charged. Let us observe the means by which we have attained this high eminence; for by those means alone can it be preserved. If we are true to the principles that have made us great, our greatness will be as durable as it is brilliant. As the convulsions are closing, it is for us to set the tone of public morals and public virtues. Now that the gale has passed away, let the shattered and wrecked nations of the continent see, in the light of day, that vessel which alone has weathered the storm uninjured and undismayed, and whose signal is still flying for the refuge of the oppressed and the weak. Now that Europe is emerging from those penal fires, let her learn from our example, what was the spirit of those ancient institutions, what the genius of that international law, under the ruins of which she was almost overwhelmed; and as she has felt, in the excess of her servitude, what are the unwearied efforts of lawless power, let her now feel what are the inexhaustible resources of power consolidated by justice, and operating only for the benefit of mankind. Thus, and thus only, can we attain the object of our wishes,—a peace which may not only increase our commerce and exalt our political greatness, but shall also exalt our national character; a peace which may be productive of consequences interesting to all nations, and rich with moral lessons to regulate the destinies of remote ages.

The Address being then read from the Chair, the Speaker was about to put the question; when

Mr. *Whitbread* spoke nearly as follows:—I do not rise, Sir, with any view to disturb the unanimity of the vote to which the House will shortly come; but rather, if that were at all necessary, to add my cordial approbation to the Address moved by the noble lord. There may, indeed, be one or two exceptions to my entire approval of that Address, but they are not of sufficient weight to induce me to dissent from it in my vote. I will freely own, I did not expect, on an occasion like the present, to find, in the Speech of his royal highness the Prince Regent, that moderation of sentiment, and that freedom from any intoxication of language which it displays; and so far, therefore, the manner of it has my approbation. Nor will I be betrayed into any debate, by touching upon several topics introduced by the noble lord who moved the Address, and by the hon. and eloquent member who seconded it; but at the same time it would be unmanly in me, and unbecoming that deep and rooted conviction which I feel, if I did not assert my firm disbelief of one thing, in particular, that has been advanced; that the deliverance of Europe, and the splendid events so recently achieved, are to be ascribed to the policy begun by a minister now no more, and to the following up of that policy by his successors. Great, I admit, that minister was;

but if the counsels of his great adversary had been listened to, Europe would never have been plunged into that disastrous state from which she now seems to be emerging, nor would the dreadful carnage of the present campaign have been necessary. So far I feel it necessary to say, from the honest conviction of my soul; and I also feel it necessary to say, that the proud exultation of this day is hailed by no man in this House, or in the country at large, with more enthusiastic feelings than by myself (Hear, hear!) I cannot, however, help adverting a little to the inconsistencies of the noble mover of the Address, and the seconder of it. We have been told, that Moreau lived for the liberties of Europe; if he did so, then has Great Britain been fighting against the liberties of Europe: if, too, Bernadotte, whose consummate abilities I willingly acknowledge, and to whom, for the exertion of those abilities in the way they have been exerted, the whole world is indebted, has, on every occasion of his life, fought for the liberties of Europe; then, I again repeat, that Great Britain has been fighting against those liberties. Upon this point, however, I will touch no further, than to express my entire approbation of the magnanimity with which the Prince Regent's ministers confided in the co-operation of that personage; a magnanimity so nobly and so amply rewarded. I give great credit also to the present administration, and to him who was at the head of it, till removed by the foul deed which every one deplored, for the great and steady confidence which they placed in the talents and genius of our great commander, the marquis of Wellington; and I can assure the noble lord, I should feel as happy as he would, were he now among us to enjoy the fruits of his labour, and to detail, with that eloquence which was peculiar to him, the splendid successes which have resulted. Upon the question of the American war, it is well known that I differ from the sentiments expressed in the Prince Regent's Speech; yet not sufficiently to induce me to disturb the unanimity with which I wish to see the Address carried. But I am particularly glad to observe the explicit terms of that Speech, in which it is distinctly avowed, that no disposition is entertained to require from France sacrifices of any description inconsistent with her honour or just pretensions as a nation. I sincerely hope this feeling pervades the whole alliance; an alliance with which I am not inclined to quarrel, as I have been with former ones; for it is promoted and cemented by a feeling of common danger and necessity, and not purchased and raised up to oppress France. It has arisen from the keen and indignant sentiment which the grinding oppression of France herself has excited, and it holds out a memorable lesson to the governments of Europe. France, in the course of her career since the Revolution, disturbed and overthrew the ancient monarchies, upon the pretext of their tyranny and despotism; but when those states passed under the power of France, who was to liberate them, they found themselves subjected to a despotism still more odious, to a thraldom still more insupportable. The emperor of that country is at this moment in a condition to which, I firmly believe, nothing but his own restless and gigantic ambition could have reduced him. I hope the alliance will profit from this. I do not pretend to know, for, indeed, I have not heard, what were the terms of pacification proposed to France before the termination of the armistice; but I sincerely hope that now, in the moment of success, the same terms will still be offered. (A general murmur through the House). I am not surprised at hearing this murmur: perhaps I am misunderstood; what I mean to say is, and that I will maintain, that whatever terms may have been proposed to France at that time, as a basis upon which negociations for peace might take place, I hope the same basis will now be offered, or else I see no conclusion to which the war can come.

There are some topics of domestic policy, which I cannot but wish the noble lord (Castlereagh) had advised the Prince Regent to touch upon in the course of the Speech. With regard to the aid and assistance which are to be afforded to the alliance by this country, I think they should have no other limit but the power and resources of the country itself (Hear, hear!): to the utmost we can go, with safety to ourselves, to that extent would I wish to see supply afforded. But I also wish, that, in the moment of prosperity and exultation, some notice had been taken of the sufferings of a very large class of our own people, whose condition occupied the serious attention of this House during the last session; and I wish it the more, Sir, in consequence of a speech which has been attributed to you, as being delivered at the bar of the House of Lords at the close of that session. The present moment, when we are imperiously called upon to put forth all our strength and all our resources as a nation, is one peculiarly adapted to the consideration of the Catholic Claims. They ought to be attended to, from motives of policy as well as justice; they are an important class of people; important from their numbers—important from their valour—important from the energy which their cordial union would give to our national exertions. I hope, therefore, their cause, so well begun last session, will be prosperously concluded this; that they will be admitted to all the privileges and rights of the constitution; and thus prove, that you, Sir, in the speech you delivered, if reported rightly, were an unauthorized and unauthenticated expositor of the feelings and views of this House. With these views of the present posture of affairs, I shall give my support to the Address moved by the noble lord: the existing administration are entitled, I think, to every praise; and if, by a wish, it were possible for me to create any change in the Prince Regent's ministers, except, perhaps, to increase a little their strength on the question I have just alluded to, that wish should be unformed: I do not desire to see one of them displaced, seeing what measures are in progress, and relying upon the moderation of their views, in endeavouring to accomplish a general and lasting peace.

The *Speaker*.—Before I state the question, I hope I may be permitted, as so strong an allusion has been made to the speech I delivered at the bar of the House of Lords, last session, to say, that if that speech should be, at any time, taken into consideration by this House, I trust I shall be able to satisfy the House that what I did say was perfectly justified and warranted.

Mr. *W. Wynne* expressed his entire concurrence with the Address; and he trusted that those parts of Europe which had been so long held down by the tyranny of France would now have an opportunity of restoring themselves. For himself, he felt peculiar satisfaction in the defalcation of the coerced troops of Buonaparté, even in the very day of battle: he drew the happiest augury from that fact. It shewed a distrust which, he had no doubt, spread from one battalion to another, and pervaded the whole army. He expressed his entire approbation of the sentiments of moderation displayed in the conclusion of the Prince Regent's Speech; and hoped that the continental powers would continue united, till a general peace, and the restoration of the balance of power in Europe, were accomplished.

The Address was then carried, *nem. con.* and a committee appointed to prepare it accordingly.

THE SPEAKER'S SPEECH.] Lord *Morpeth*.—I rise, Sir, to inform the House, that on an early day after the recess I shall submit a motion upon certain passages in your Speech, delivered at the close of the last session at the bar of the House of Lords.

Lord *Castlereagh* wished that the noble lord had not named so distant a period; as, if the Chair had transgressed the line of its duty, it would be desirable that the question should be discussed as soon as possible.

Lord *Morpeth* replied, that he could not well name an earlier day: as many members were absent, and especially those belonging to the country which the noble lord represented, and who were particularly interested in the question.

Mr. B. Bathurst was proceeding to argue upon the question itself, when Mr. Tierney called him to order, for indulging in a course of proceeding which could only lead to a premature debate, and would be productive of perpetual inconvenience. The notice was then entered accordingly; after which the House adjourned.

HOUSE OF COMMONS.

Friday, Nov. 5.

ANSWER OF LIEUT. GENERAL ABERCROMBY TO THE VOTE OF THANKS.] Mr. Speaker acquainted the House, that he had received from lieut. general the hon. John Abercromby, the following letter, in return to the thanks of this House, signified to him by Mr. Speaker, in obedience to their commands of the 10th of January 1812.

"Bombay, 1st Nov. 1812.

"Sir; I do myself the honour to acknowledge the receipt of your Letter of the 14th of January last, conveying to me the unanimous Thanks of the Commons of the United Kingdom for the conquest of the island of Mauritius, and desiring me to communicate to major general Warde, and to the officers, non-commissioned officers, and private soldiers, employed on that occasion, the high sense entertained of their gallant and meritorious exertions.

"The leading wish of my heart has been to devote myself to the service of my country; and I beg you, Sir, to assure the House of Commons that I receive this distinguished mark of its approbation with the liveliest emotions of pride and gratitude; for a British soldier must ever consider the applause of his country to be the highest reward that can be bestowed upon him.

"I have had the greatest satisfaction in communicating to major general Warde, and to the gallant army I had the good fortune to command, the resolutions of the House of Commons, in approbation of their professional skill, discipline, and bravery; and I can venture to assure you, Sir, that they will be deeply impressed with a sense of the distinguished honour which has been conferred upon them.

"Allow me, Sir, to express my obligations to you for the very flattering terms in which you have been pleased to add to the high gratification I derive from the Thanks of the honourable House, by the offer of your personal congratulations. I have the honour to be, &c.

"John Abercromby,
"Lieutenant General."

"To the right hon. Charles
Abbot, Speaker of the House
of Commons, &c. &c. &c."

The Chancellor of the Exchequer moved the usual Grand Committees for Religion, Trade, and Justice.

The usual Standing Orders of the House were also read, and agreed to.

Lord Compton brought up the Report of the Address; which was read and agreed to.

Upon the motion of lord Castlereagh, it was ordered that it be presented to his royal highness the Prince Regent by the whole House.

HOUSE OF LORDS.

Saturday, Nov. 6.

The House met about half past one; and shortly afterwards, having first adjourned, went up in procession to present the Address to the Prince Regent.

HOUSE OF COMMONS.

Saturday, Nov. 6.

Prince Regent's Speech.] Mr. Vansittart moved, according to notice, that the Prince Regent's Speech be taken into consideration.

Such part of the Speech as relates to the supplies being read,

Mr. Vansittart moved as a Resolution, "That a supply be granted to his Majesty."—Agreed to.

Mr. Vansittart then moved, that this resolution be referred to a committee of the whole House on Monday next, which was agreed to.

Lord Castlereagh having informed the House that his royal highness the Prince Regent had signified his pleasure to receive the Address at three o'clock, the House adjourned to Monday; and the Speaker, accompanied by many members, proceeded to Carlton House with the Address.

HOUSE OF LORDS.

Monday, Nov. 8.

The Lord Chancellor, from the woolsack, read the Answer of his royal highness the Prince Regent to the Address of their lordships, presented by the whole House on Saturday; declaring his Royal Highness's satisfaction at the sentiments therein contained, and expressing his hope, under Divine Providence, in conjunction with his illustrious allies, and the support of parliament, of bringing the arduous contest in which they were engaged to a safe and honourable termination.

His Royal Highness's most gracious Answer was ordered to be inserted on the Journals. Their lordships then adjourned during pleasure.

Treaties of Alliance.] About five o'clock the House resumed.

The Earl of Liverpool laid on the table, by command of the Prince Regent, certain Conventions concluded between this country and our allies. There were two supplementary conventions concluded with the emperor of Russia and the king of Prussia (for the fulfilment of objects referred to in the former treaties), of which the ratifications had not yet been exchanged; but, for the convenience of the House with reference to the details, he would move an humble Address to the Prince Regent, praying his Royal Highness to order the substance of those two conventions to be laid before the House.

The motion was agreed to.

VICTORIES OF THE PYRENEES—CAPTURE OF ST. SEBASTIAN, &c.] Earl *Bathurst* observed, that when he last had the honour of addressing the House, it was on the glorious victory gained by the marquis of Wellington at Vittoria; and the consequences he then anticipated from the splendid result of that action had happily been verified. Buonaparté no sooner heard of our army having passed the Ebro, than he appointed Soult, with extraordinary powers as Lieutenant d'Empereur, and that marshal, having been reinforced by the division under Clausel, and other troops, advanced on the 25th of July, for the purpose of driving us from our positions. His lordship then proceeded shortly to detail the operations up to the 30th, when the French were completely repulsed, and from the effects of which they were unable to recover. Soult had the most sanguine expectations not only of relieving Pamplona and St. Sebastian, but also of driving our army across the Ebro; but the defeat he then experienced not only completely frustrated all his projects, but the French army was more completely disorganised than even by the battle of Vittoria. His lordship then adverted to the capture of St. Sebastian, and took the opportunity of noticing a foul calumny upon our troops that had been published in the Spanish papers, charging them with committing the grossest outrages upon the inhabitants of the town. This calumny, which was to be attributed to French partizans in Spain, who circulated these libels upon the specious pretence of a jealousy of foreign interference, was wholly false. That some excesses might be committed in a town taken by storm, after a most obstinate defence, might readily be imagined; but no one could for a moment believe, that the deliberate cruelties in this publication stated to have been practised, had been committed by our troops. Sir Thomas Graham was on the spot at the time, and in the neighbourhood for nearly a month afterwards; and no complaint whatever was made to him by the authorities of St. Sebastian, or by the inhabitants, of any outrages having been committed. We were charged with having committed sacrilege in their churches, and plundered them of the plate; but was it to be believed, that the French, who had uniformly, in every town, carried off the plate from the churches, would have made St. Sebastian a solitary exception; or that, when they had converted the churches of that town (as was the fact) into barracks, stables, and hospitals, they would have suffered the plate to remain on the communion tables? The charge was utterly false:—equally false was the allegation, that our troops were occupied in plundering the town, at the moment they might, by following up the enemy, have captured the castle. The fact was, that our troops did follow up the enemy, with the view of capturing the castle, and suffered much in the unsuccessful attempt; the 9th regiment, in particular, suffered severely; and it was actually found necessary to reprove some of the officers, for not checking the troops in attempting that which was impracticable. The last charge against us was, that of setting fire to the town. This also was utterly false; so far from it, that repeated representations having been made to sir Thomas Graham, of the expediency of bombarding the town, for the purpose of hastening its surrender, by the consternation which would be thus occasioned; he at length transmitted them to lord Wellington, and his lordship sent sixteen mortars; but with express directions, that they should not be used so as to set fire to the town, and only four of them were used in the direction of the attack upon the works during the whole siege. It was not our interest to set fire to the town, but it was that of the enemy; and the fact was, that almost immediately after the entrance of our troops into it, the flames burst out in several places at the same time. The only part of the charges to which he, on the part of the troops employed at St. Sebastian, pleaded guilty, was, that of saving the lives of 600 of the enemy. When our soldiers entered the town, smarting under the effects of a most obstinate and protracted resistance, surrounded by the fire which was consuming the town, and scorched by the flames, 600 of the enemy's soldiers, unable to escape, flung down their arms, and threw themselves upon our mercy. Our troops certainly were merciful enough to grant them their lives; an act which was sanctioned by their officers, and which was not, nor had been since, objected to by sir Thomas Graham. This therefore was the only part of these charges to which truth was attached. His lordship then shortly adverted to the subsequent operations (highly praising the conduct of the Portuguese and Spanish troops), ending in the establishment of our army in the French territory, which he stated to be necessary, for the purpose of perfecting a line of defence, and of enabling lord Wellington to watch the operations of the enemy, while he could conceal his own. From this situation the Spaniards could look down upon Bayonne, where their sovereign had been treacherously made prisoner, and the crown given to a foreigner; and from whence the French army marched to complete, as they imagined, the conquest of Spain, commenced in treachery and fraud. What a difference might now be contemplated in the return of the wreck of that army, beaten and discomfited, to the same city. In thus reviewing our successes in the peninsula, he could not but recal to their lordships' recollection the share that Britain had had in bringing about the glorious events which had occurred in Europe, and which had at length opened a prospect of its attaining that independence, which had been so long and anxiously looked for. If this country had in one respect contributed more than another to the glorious results that had at length been achieved, it was not so much in the extent of our exertions (for these had been equalled by others, and by one country exceeded); it was not so much in the skill of our officers and the gallantry of our troops (for, after the splendid victories that had been recently obtained, we could only say, that the exploits of our own great Captain had not been surpassed); it was not in the extent of our privations (for in this respect, God be thanked! we had been saved from this sad pre-eminence); but it was in our perseverance in the contest in the peninsula under every circumstance, however unfavourable; in the pertinacity with which we persisted in maintaining even a corner of it, until circumstances led to more auspicious events; and thereby holding out a clear and bright flame amid the darkness that overspread the natives of Europe, which soon rose into a pillar of fire to light them on their way to security, independence, and peace. His lordship concluded by moving, that the "Thanks of this House be given to Field Marshal the Marquis of Wellington, K. G. for the consummate ability, and the admirable skill and valour, displayed by him in the operations by which the enemy were compelled to abandon the western provinces of Spain, and the allied army enabled to establish itself on the frontier of France."

The Earl of *Darnley* said, that he did not rise with the vain hope of adding any thing to the eloquent address which had been delivered by the noble lord who preceded him; but he was anxious to bear his testimony to the illustrious merits of the gallant commander who led the combined forces in the peninsula. He was desirous, in a few words, of adverting to the wise as well as gallant defence of Portugal by that great general, which had been productive of such magnificent effects. His noble forbearance, prudence, and perseverance, as well as consummate military talent in the field, had been in a great measure the cause of the splendid result which followed. He was perhaps the only man who could have brought the contest to such an issue; and to his example in the peninsula, those splendid successes which had since crowned the arms of the allies in the north might be traced. In this great triumph of lord Wellington, the speech which had been so recently delivered from the throne, and which had been received with such universal concurrence and applause, he thought, was liable to one objection. It would have become the government of the country to have recommended, in the speech from the throne, a further provision for the marquis of Wellington, instead of the paltry allowance which had been given last year, and which was totally inadequate to the maintenance of the station which the gallant individual in question must now hold in the country. His lordship also complained of a want of due attention to the erecting of monuments to commemorate the illustrious actions of such men as lord Wellington, and others who had eminently distinguished themselves in the service of their country. If one half the money which had been lavished in useless public works, had been applied to this great national object, it would have formed an ample fund for that purpose. He trusted, that the matters to which he had adverted, deserved, and would meet with, serious consideration from those who held the most prominent situations in the government. He expressed his most cordial concurrence in the motion.

Lord *Bathurst* next moved the thanks of the House to general Graham, for the skill and gallantry which he displayed in, and subsequent to, the battle of Vittoria; and particularly for the ability and skill which he had manifested in the siege and capture of St. Sebastian's. He had been induced to propose a separate motion of thanks to sir T. Graham, on account of the peculiar circumstances under which he had retired, carrying with him the admiration and affection of all those who knew him, or had seen or heard of his conduct as a general, after having in such a distinguished situation led the armies of his country with such splendid ability, gallantry, and success.

The thanks of the House were then moved to sir Rowland Hill, and the other officers, non-commissioned officers, and troops, British, Spanish, and Portuguese: all these were agreed to, *nem. diss.*

HOUSE OF COMMONS.

Monday, November 8.

Answer to Address.] Mr. Speaker reported to the House, that the House attended his royal highness the Prince Regent on Saturday last with their Address; to which his Royal Highness was pleased to give this most gracious Answer:

"Gentlemen,

"I thank you for this loyal Address.

"The sentiments it breathes, and the assurances of support which it contains, are such as become the Commons of a great empire to carry to the throne at such a moment as the present.

"The means which you are determined to place at my disposal shall be employed, under the favour of Divine Providence, I trust successfully, in the great cause of national independence; and I indulge the confident expectation that, through the efforts of the great alliance which has at length so happily been formed, Europe may look forward to the attainment of a solid and honourable peace."

Borough of Hellestone.] On the motion of Mr. Bankes, the Clerk having read from the Journals the Report of the Committee appointed to search the Lords' Journals on the subject of the Hellestone Election;

Mr. *Bankes* observed, that the circumstances attendant on the Bill of last session for securing purity of election in the borough of Hellestone must be fresh in the recollection of the House. Having passed in the House of Commons, it had been carried to the House of Lords at a period not long before the termination of the session. This it was, perhaps, which prevented any proceeding from being had in the Lords on the subject; as it was well known, that on such questions each House preferred taking evidence itself, to relying on the evidence afforded in the other; and there was not time for examining in the House of Lords the necessary evidence in the case to which he alluded. For that and other reasons he was desirous of thus early calling the attention of the House to the subject. Whatever doubt might have existed as to the best mode of altering the constitution of the borough, no objection had been made in any quarter to the proper mode of taking parliamentary notice of the corruption which, having crept into the borough of Hellestone, had so long maintained itself there, and of the expediency of putting an end to it with all possible expedition. Anticipating therefore no objection to his proposition, he would proceed without farther preface to move, That leave be given to bring in a Bill to secure purity of election in the borough of Hellestone.

Mr. Serjeant *Onslow* heartily seconded the motion; declaring, that in his opinion no case called more loudly for the interference of the legislature than that of the borough of Hellestone; the corruption and profligacy of which had been carried on so long, that those who were guilty of that corruption and profligacy were scarcely sensible of the crimes they committed.

The Speaker's Speech.] Mr. *G. H. Sumner*, in pursuance of a notice which he gave on Saturday, rose to make a motion; the adoption of which could not, in his opinion, be postponed, consistently with the dignity of the House, and of the right hon. gentleman who sat in the chair. In the present stage of the business, there was but one step which he thought it possible to take; namely, to endeavour to put the House in possession of the document on which a noble lord (Morpeth) had intimated that his observations would be made. Those, on the one hand, who thought with the noble lord, that the speech made by the Speaker at the bar of the House of Lords, at the close of the last session, contained matter liable to animadversion, and those, on the other, who were of opinion that it was free from blame, or even entitled to praise, must equally feel the impossibility of discussing the subject, until an authentic copy of the speech itself should be on the table. Although certainly it could not be considered an official document, yet it had not been unusual in that House, under similar circumstances, to move that Mr. Speaker be desired to print any speech which he had so delivered. That was the course which he intended to adopt on the present occasion. It might be expected, that he should open to the House the ulterior views which he might entertain on the production of the document. On this subject he would take the liberty of putting several questions to the noble lord who had given notice of a motion after the recess; and on the answers to those questions would depend the line of conduct which he should prescribe for himself. From the known candour and liberality of that noble lord, both in public and in private life, he had no doubt that he would not hesitate to inform the House, whether the observations which he had declared it was his intention to make on the Speech of the Speaker at the bar of the House of Lords, tended to criminate the Speaker, either by imputing to him that he had acted without precedent in expounding the opinions of that House, or, admitting that he had followed precedent, by charging him with an unfaithful exposition of that opinion. If either of these objects was that of the noble lord, then, identified as the honour and purity of the Speaker's character were with the dignity of their proceedings, it would, in his opinion, be imperative on the House to enter on an investigation of the merits of the case at a period much earlier than that fixed by the noble lord. If, on the other hand, the noble lord had no other object in the motion of which he had given notice, than to make it a vehicle for remark on the motives which had induced the House to reject the Catholic Bill, thereby indirectly involving a re-consideration of the Catholic Question, it was a matter of indifference, whether the subject should be discussed at present, or at the period fixed on by the noble lord, who had indeed assigned as the cause of delay of his motion the absence of the members of the sister country, who were most nearly interested in the decision of that question. For his part, he conceived that it was the duty of the Irish members to be present at the commencement of the session. If the object of the noble lord was that which he had first described, the House ought not to wait for their arrival; if his object was merely the indirect revival of the Catholic Question, then it might be desirable to postpone the discussion until those could attend who would be disposed to take so large a share in it. Trusting that the House would grant him the indulgence of making any farther remarks which the reply of the noble lord might render necessary, he would now content himself with moving—"That Mr. Speaker be desired to print the Speech by him made to his royal highness the Prince Regent at the bar of the House of Lords, on Thursday the 22nd of July, 1813, on presenting the Money Bill, which then received the royal assent."

As the Speaker was reading the motion,

Mr. *Tierney* wished to know, whether the hon. mover meant that the Speech should be printed with the votes, or merely for the information of the House? If the former, it should be recollected, that that was always considered as a mark of approbation, and he was sure the hon. mover did not mean that the Speech of the Speaker should be approved until it had been considered. If it was intended merely to print the Speech for the purpose of putting it into the hands of members, to that proposition no objection could apply.

Mr. *Sumner* was proceeding to explain his object, when

Mr. *Bathurst* observed, that there was no question before the House.

The Speaker then read the motion; upon which

Mr. *Sumner* said, he had no hesitation in stating, that his sole and exclusive object was, to bring before the House the document on which a noble member had declared it to be his intention, at a future period, to observe. He repeated, that this step appeared to him to be called for by the honour and dignity of parliament. At the same time, it would be but fair and candid to add, that, in conformity to usage on such occasions, the Speech must be entered on the Journals of the House. That proceeding, however, would by no means imply the approbation of the House of its contents.

Mr. *Bankes* expressed himself to be distinctly of the same opinion. It was not to be inferred, because the ordinary mode of inserting the Speech in the Journals could not be departed from, that the approbation of the House was thereby implied. The Speech made in 1777, at the bar of the House of Lords, by sir Fletcher Norton, was printed with the votes; but was that considered to imply the approbation of parliament? By no means. In the course of that same session, several members animadverted on sir F. Norton's speech; and although eventually the House came to a vote of approbation on the subject, the very discussion proved that it would have been equally competent to them to come to a vote of disapprobation. Feeling the impossibility of adopting any other mode consistently with parliamentary practice, he had himself assisted his hon. friend in drawing out the motion before the House.

Mr. *Tierney*, notwithstanding the precedent adduced by the hon. gentleman, still contended, that the admission into the Journals, of a speech by the Speaker, had always been deemed a mark of the approbation of the House. Without intending the slightest personal disrespect to the Speaker, he must protest against this being considered to be the case in the present instance. For his part, he was at a loss to conceive what inconvenience could be occasioned by the production of the Speech as a simple document.

Mr. *Rose* detailed the history of the proceedings on the speech made by sir Fletcher Norton in 1777. The printing of that speech by no means implied the approbation of the House. It was made on the 7th of May. On the 9th of May, only two days after, came on the question of its merits; and although the thanks of the House of Commons were voted to sir F. Norton for the speech, yet the discussion afforded abundant proof, that if, in the present instance, the House followed the precedent of 1777, they would not be precluded from expressing a free opinion on the speech in question.

Lord *Morpeth* said, that, having been so pointedly called upon by the hon. mover, he must be permitted to say a few words on a subject in which, as he had stated on giving his notice, the honour and dignity of parliament were so deeply involved. With respect to the inquiries made by the hon. member for Surrey, he was apprehensive that he could not furnish the hon. gentleman with information that would prove satisfactory to him. He was not at present prepared to lay before the House the scope and extent, much less the frame and construction, of the motion that it was his intention to submit to them. This, however, he was prepared to say; that, if he was rightly informed of the nature of the Speech made by the Speaker at the bar of the House of Lords, in his view of the subject that Speech conveyed expressions which, both on parliamentary and on constitutional grounds, were extremely questionable; and which deserved the serious attention and the solemn investigation of a full House of Commons—a House of Commons which should contain those members who were favourable to the measure to which the expression he alluded to referred, as well as those inimical to it. With that conviction and impression he had given his notice for an early period after the recess, and should persevere in making his motion at that period, unless some other proceeding, on the part of the House, should prevent him from doing so. It could scarcely be necessary for him to say, that in giving his notice he had abstained from all harsh expressions towards the distinguished individual who was the object. He had been too long a member of that House, and had too frequently witnessed the general excellence of the manner in which that individual had discharged the high duties entrusted to him, to enter on an investigation of any part of his official conduct with other sentiments than those of the deepest respect.

Mr. *B. Bathurst* observed, that the noble lord's conduct was calculated to place the House in a very awkward situation; for the noble lord had distinctly alledged, that the Speech of the right hon. gentleman in the chair, on the occasion alluded to, was extremely questionable; and yet he proposed to postpone, to a distant day, the decision of a charge so materially affecting the dignity of the House, and the character of the right hon. gentleman who held the high office of presiding over its deliberations. Now he would put it to the House, whether it would be fitting or fair to pursue such a line of proceeding towards any individual whatever, whose conduct might be brought under the consideration of that or of any candid assembly? On this occasion, he felt himself at liberty to urge that which he was before prevented from stating, when he had endeavoured, perhaps irregularly, to press upon the attention of the House. But although at that time, namely, when the noble lord gave notice of his motion, he (Mr. B.) was properly interrupted, yet it must be in the recollection of the noble lord, and others from whom the interruption proceeded, that a practice had long prevailed, of putting questions to individual members when there was no motion whatever before the House. He therefore, although, no doubt, not strictly regular, did not, in putting a question to the noble lord respecting the nature of his intended motion, deviate from a long-permitted practice. But to revert to the subject immediately under the consideration of the House, he thought that it involved a question of privilege; and was it fair that on such a question, particularly, the Speaker, whose peculiar duty it was to take care of the privileges of that House, should for so long a period have the censure, even by implication, suspended over his head, of having deliberately violated those privileges? He was aware, that no member could be forced to bring any motion into discussion sooner than he himself thought expedient; but he submitted it to the candour of the noble lord, whether (as it might be deemed analogous) if any charge were made against any public minister; whether, if it were alledged in that House that any letter addressed by one minister to another, or even to a subordinate officer, contained something "extremely questionable," it would be conceived fair and liberal to deny the individual accused the earliest possible opportunity of vindicating himself against the accusation; whether it would be just to put off the trial of the accused to an indefinite period? If such a course were not just, and he assumed that no one would venture to assert it, how could it be justifiable to postpone, as the noble lord proposed, the investigation of such a serious charge as that which he had that night advanced against an officer of the highest distinction in that assembly? How could it be warrantable to hold up the conduct of such an exalted officer (without any reference to his personal character) so long untried and unheard, to general suspicion, or implied censure?—(Cries of hear, hear! on the ministerial benches.) Of such conduct he (Mr. B.) thought the House and the right hon. gentleman in the chair entitled to complain. Upon the merits of the question, to which the expressions in the speech objected to by the noble lord were understood to apply, he meant to make no observation whatever. That question ought not, in his judgment, to be at all taken into consideration, in viewing the speech alluded to. It was, indeed, in his view, a matter of indifference what were the merits of the question, in a case which ought to be considered in the abstract, without any reference to that question. Of the precise point in the speech to which the noble lord particularly objected, he (Mr. B.) was not aware; but he hoped that, in the consideration of that point, it was not meant to discuss by a side wind a question of indisputable importance, or to excite and inflame dissentions and animosities which it was so much more desirable to heal and allay. He, for himself, had no hesitation in saying, that it would be unfair to mix the discussion of the Catholic question with the merits of the motion to which the noble lord's notice referred, and with which it could have no necessary connection. If the object of the noble lord's motion was, to censure the Speaker for any "excess of duty," or departure from parliamentary practice, that ought to be stated at once, and immediately investigated, without referring to the Catholic question. Such reference, indeed, being abstained from as irrelevant to the motion, that motion might be gone into without waiting for the attendance of the Irish members; but if it were resolved to mix the two questions, the attendance should be as full as possible. Such a discussion ought indeed to be preceded by a call of the House; while, if the noble lord's motion referred only to privilege, as it ought, the House, as at present attended, must be regarded as fully competent to pronounce a correct decision, and the trial should be immediately proceeded upon; for, as the case appeared, there might be doubts as to the Speaker's fitness for the high office which he had so long occupied. Certainly, what had occurred seemed calculated to excite such doubts in some minds. The proposed postponement then admitted, in his view, of no justification, particularly on the grounds stated by the noble lord. But at whatever time, or under whatever circumstances, it was meant to bring the noble lord's motion under discussion, it was obviously necessary to have the document to which the motion before the House alluded; and the production of that document was the only object of the motion under consideration. Of course, then, that motion could not be consistently opposed. As to the character of the speech alluded to, he should not at present enter into the consideration of it; but he must observe, that no instructions were ever offered to any Speaker, as to what he should say on presenting the money bills for the royal assent; and according to the able statement of precedents, drawn up by an officer of the House (Mr. Hatsell, as we understood), it was usual with Speakers, on presenting the money bills, to dilate on other measures which had engaged the attention of the House in the course of the sessions, and this too without any previous instructions. In the course of such observations then, a Speaker might impute motives to the conduct of the majority or minority in the adoption or rejection of certain measures, without incurring or deserving any censure. There were, indeed, but few instances on record, in which the speeches delivered on such occasions were ever brought under the consideration of that House. The speeches so delivered in 1715 and 1745 were to be found on the Journals; and these speeches were not confined merely to observations on money bills; nor was the speech of sir Fletcher Norton, which was also inserted on the Journals. Indeed, the speech of Mr. Speaker Lenthal, in the course of the Long Parliament, adverted to a variety of topics. But it could not be inferred from the mere insertion of any of those speeches in the Journals, that they had of course the approbation of the House; for the contrary appeared from the discussion which took place upon sir Fletcher Norton's speech after such insertion. Therefore, the proposed insertion of the speech then under consideration, could not be concluded to imply an approbation of its contents and character. Indeed, such insertion was indispensable to a just consideration of the case; which consideration ought, in his opinion, to be entered into as soon as possible, in order to ascertain whether there was ground for the insinuations which had gone forth upon this subject; and whether the speech so much animadverted upon, really contained any thing repugnant to the privileges of the House.

Mr. *Whitbread* said, that the course which had been taken by the hon. member for Surrey on this occasion was quite unprecedented. It was indeed, he believed, the very first time that a notice of motion had been interfered with in such a manner as the hon. mover had thought proper to adopt with respect to that of the noble lord, who might in fact have brought forward his motion without any notice at all, or at least without any notice until very near the period at which he proposed to bring his motion before the House. Upon what just ground then could the noble lord be censured for the line he had taken? But he confessed that he could not precisely understand the grounds or the views of the hon. mover, nor those of the right hon. gentleman who had spoken last, although he had spoken so long. It seemed to be the intention to prevent the extension of time proposed by the noble lord's notice; and, by following up the present motion with something, to get rid of that in the contemplation of the noble lord. With regard to the subject of this motion, he need not profess that which he was known to feel, namely, the highest respect for the general conduct of the right hon. gentleman in the discharge of the duties which appertained to the high office he occupied in the chair of that House. From his observation indeed of that conduct, he could not hesitate to bear his testimony to the superiority of the right hon. gentleman, to any other Speaker whom he had ever seen. But still he must say, that the right hon. gentleman was not authorized in what he was reported to have said in another place; and also, that, from the experience of the present session, he would prove to be an unauthenticated expounder of the sentiments of that House. These sentiments, however, must be fairly ascertained; and he hoped that neither the dignity of the House, nor that of the right hon. gentleman in the chair, would be compromised, by attempting in any surreptitious manner, through a vote in a thin House, and in the absence of the Irish members, to avert the ample and just investigation of such an important subject. Yet he was not, he owned, friendly to the motion at present; because he apprehended that the object, in desiring the production of this paper, might be, prematurely to press the discussion alluded to. With respect to the question, the argumentative speech of the right hon. gentleman who spoke last did not serve to convince his mind, that the Speaker could be authorized in making use of such expressions as were on this occasion referred to. Indeed, the right hon. gentleman's interpretation of the precedents he had alluded to appeared quite erroneous; those precedents obviously implying that the Speaker's authority referred to acts done; but that to acts not done, he had no authority whatever to advert. Upon the allusion, then, which was reported to have been made by the Speaker in this case, he felt himself justified in impugning that right hon. gentleman's authority. Nothing, in fact, had been done to warrant the allusion. He denied, indeed, that any proceeding had been taken by the House upon the important question alluded to, of which the right hon. gentleman in the chair could, strictly speaking, have any cognizance; but here he would, of course, be understood to speak of him as a public officer, and not as an individual member.—Recurring to the motion, the hon. member repeated the expression of his hope, that if the motion were acceded to, no proceeding would be taken, on the production of this paper, inconsistent with the dignity of the House. He hoped also, that it was not the object of the hon. mover or his advisers to press any motion in this business with a view to obtain some accession or appearance of strength to their side with regard to the Catholic question: yet he could not help saying, that there was ground for apprehension, if the discussion which the noble lord's notice had in view were pressed, particularly in the absence of the Irish members. But the hon. mover had observed, that the Irish members ought to be present in the House; and to be sure it was very well for the representative of a county immediately adjoining the metropolis to make such an assertion with regard to those representatives whose residence was at so many hundred miles distance. It was undoubtedly true, that since the Union the Irish members were called upon to attend their duty in that House; but some consideration was due to gentlemen who resided at such a distance, particularly when parliament was convened at so early a period; and therefore the Irish members did not quite deserve the criticism of the hon. mover, who could with so little inconvenience attend the meetings of that House. With respect to the noble lord behind him, he had certainly had no concert or communication whatever with his lordship, before he made the observation alluded to on the first day of the session. He had indeed heard, at the close of the last session, that it was the intention of the noble lord to submit a motion to the House respecting the Speaker's speech; and if he had not so heard, he might probably himself have felt it his duty to bring the subject under discussion. But as to the conduct of the noble lord on the occasion, he might possibly feel himself in some difficulty, whether he ought to give notice of his intention immediately on the opening of the session, or postpone that notice until after the recess. Had he really felt such difficulty, the noble lord's decision was, beyond question, the more eligible; and the hon. mover's interference with him was quite without precedent. The hon. mover and others had complained of the noble lord's having uttered a serious censure upon the Speaker; whereas the noble lord's original notice was a simple annunciation of the mere fact, that he meant to bring the speech alluded to under the consideration of the House, unaccompanied by any expression of censure whatever. Still, those who made the complaint would press the noble lord for a detail of his grounds and intentions; and if he complied with their demand, they would, no doubt, immediately exclaim—"Now you have sent out your complaints against the Speaker, do you mean to go no farther, but leave the right hon. gentleman subject to such imputations until after the recess?"—All this, and other reasons, would, no doubt, be urged prematurely to get rid of the noble lord's motion. Such, he feared, was the end in view; and therefore he was adverse to this motion, although he should readily vote for the production of the document alluded to at a proper time before the noble lord's motion should be brought forward. Still he could not help repeating his wish and hope, that no attempt would be made, on the production of this document, to interfere with the original notice of the noble lord; but that the whole matter would be left to the discretion and candour of the noble lord—to that discretion which could not be questioned, and to that candour upon which the right hon. gentleman in the chair must be so ready to rely.

Lord *Castlereagh* observed, that the House and the right hon. gentleman in the chair were, upon this occasion, placed in a very painful predicament; and, highly respecting the character of the noble lord, he would appeal to his candour, whether it was not due to the House, and to justice, to bring forward, with all practicable expedition, a question so materially affecting the character of the chair; whether it would be reconcilable with common fairness, to allow a charge so derogatory to the Speaker, as the transgression of his duty, to remain suspended over his head so long as the noble lord had mentioned. If it were only the object of the noble lord to discuss the Speaker's performance of his duty, or attention to privilege, that was a question upon which he thought, with his right hon. friend (Mr. Bathurst), the House in the present state of its attendance was fully competent to decide; but if with that it were intended to connect another motion, which must require a larger attendance, particularly of Irish members, he could not forbear from most earnestly deprecating the intention; for he should always be adverse to the discussion of that great question collaterally. Deeply as he felt interested in its progress, and anxious as he was for its ultimate success, he must ever protest against any proceeding calculated to introduce its discussion by a side wind, to fritter down its great importance, or to divide those who were otherwise disposed to agree upon its real merits. But, whatever might be the noble lord's object, none could consistently disagree with a motion which only proposed to put the House and the country in possession of a document upon which the noble lord proposed to found his motion, and which had been the subject of so much animadversion—of animadversion, in his judgment, quite misapplied, because resting upon an erroneous interpretation of an expression in the speech alluded to. Upon the real character of this expression he did not at present propose to dwell—but he would appeal to the consideration of the House, and the justice of the public, whether, fairly viewing the situation of the Speaker, acting without instructions from the House, in the discharge of a critical trust and responsible duty, he should, where it is impossible to ascribe an improper motive, be held subject to censure for any mere inaccuracy of expression, or error of inference;—whether he should be solemnly condemned for inconclusive reasoning—for an imperfect effort to anatomize the motives of that House, or an incorrect description of those motives?—So much he (lord C.) was led to say in anticipation of the noble lord's motion; which he trusted would be brought forward as soon as possible, in order to relieve the House and the chair from the painful situation in which they were placed by a notice which, implying censure, certainly suggested the propriety of acceding to the motion under consideration.

A Member under the gallery, whose name we could not learn, observed, that the noble lord had not explained, whether the question ought to be considered as one of privilege, or one involving the propriety of the sentiments expressed in the Speaker's speech. If the former, the discussion did not require further delay; if the latter, it became necessary.

Mr. *C. W. Wynne* said, that this was an important subject, on which the fullest information should be procured. He differed in some degree from the hon. seconder of the motion. Its chief object should be, whether the speech of the Speaker should go forth to the public as conveying the sentiments of the whole House. He agreed, that the possession of the document itself was necessary; and wished, that, if it should arise from future practice, that the custom of addressing the throne should be allowed, the speech made by the Speaker on that occasion should be entered on the Journals of the House of Commons, in order to become a fair and open subject of discussion. He would request the hon. mover to add the words "for the use of the members" to his motion.

Mr. *Tierney* said, "I have heard much of assertions, that the notice of my noble friend's motion has put the Speaker in a painful situation; whereas, in point of fact, you, the Speaker, have put yourself in that situation, by a speech which you thought proper to make at the close of the last session of parliament; which speech, in my opinion, and in that of many thinking men, deserves the serious attention and consideration of this House; for in that speech you uttered an assertion, bearing an interpretation calculated to excite pain, not only among those who voted for the Catholic Bill in the course of last session, but among four millions of your fellow-subjects; who having been placed in a state of painful delicacy for four months, during which there was no opportunity to call upon you for any explanation, it cannot be too much for you to wait for two months, until the Irish members, who are most interested in the question, are able to attend this House."—Adverting to the conduct of lord Morpeth, Mr. Tierney maintained, that it was marked by peculiar delicacy and candour. The noble lord had not attempted to excite any prepossession or prejudice against the right hon. gentleman in the chair; nor had he uttered any thing that could be even construed into an accusation, in the harsh sense of the word. All his noble friend alleged was, that the speech of the right hon. gentleman was such as deserved the consideration—as ought to be inquired into by that House. His noble friend did not say, or insinuate, nor should he (Mr. T.) say of any gentleman, that he had uttered that which was incapable of justification. But to make that justification satisfactory to public justice, and creditable to the right hon. gentleman himself, it ought to take place in a full House.

Mr. *Ryder* complained, that when there had been an opportunity three months ago of taking into consideration whether the sentiments expressed by the Speaker were of a questionable nature or not, the charge had been so long suspended. He would ask, whether this was consistent with that candour and justice which he knew regulated the conduct of the noble lord (he might say his noble friend) in private and public life? Such a mode he thought entirely unprecedented. If the question did not relate to the first authority in that House, would the noble lord, or any other member, consider it consistent with justice and liberality to keep a charge so long suspended over any individual, without calling for a discussion? He was confident that no imputation of undue motives would be cast on the Speaker's conduct, and protested against the method pursued, as totally unsupported by precedent.

Mr. *Abercrombie* would not have risen, had it not been for one expression, which he thought should not go uncontradicted. The right hon. gentleman had stated, that the motion on the Speaker's speech ought to have been made at his return from the House of Peers, and not kept suspended for months over his head. Was he ignorant that this was an utter impossibility, as this House no longer existed as the Commons House when the Speaker had just been attending at the prorogation of parliament? It was impossible that it should have been bound by any notice his noble friend might have given, and such conduct would have been quite unparliamentary. He thought the charge of want of candour and of justice brought against his noble friend totally unfounded. The decision to which the House was called was most important. If it should be found that the Speaker had acted consistently with precedent and principle, all of course must approve his conduct. If he was deficient in precedent but right in principle, it would become a consideration, whether his act should be sanctioned by the approbation of parliament, and instituted as a precedent for future sessions. But if neither supported by precedent, nor right in principle, a due expression of the disapprobation of the House should be pronounced. It was therefore evident, that on a question of this importance, the fullest attendance possible should be procured. This was scarcely to be expected before the recess, and therefore it could hardly be fairly debated until after that was over. The variety of opinions would naturally be considerable. Some might think that the Speaker had no right to address the throne in the manner he did at the close of last session. Others might admit the right, but object to the nature of his speech, and of the sentiments it contained. Then to attempt to discuss the subject without the fullest attendance, would be doing injustice to the Speaker and to the country. The great object of the Speaker must be, to have the question decided after full and dispassionate deliberation. He must deprecate any anticipatory discussions; and the noble lord had adopted the only course which promised equal justice to the Speaker and to the public.

The question being about to be put from the chair,

The *Speaker* said, I hope I may be allowed to make a short observation before I put the question.—(A cry of hear, hear!)—I shall forbear, at present, from offering any thing in justification of my conduct, because the consideration of that question is not now before you—but I am prepared to assure you, that I feel the most confident persuasion of being able to satisfy this House, that I have in no respect whatever transgressed the duties of my office.

The motion was put and carried.

MOTION OF THANKS TO FIELD MARSHAL THE MARQUIS OF WELLINGTON.] Lord *Castlereagh*, on rising, in pursuance of a notice which he had given on this subject, alluded to the happy time in which he had this pleasant duty to perform; and said, in calling the attention of the House to this question, he was persuaded that no doubt remained in the minds of any of them, that the battle of Vittoria was that great crisis which decided the question of the military possession of the peninsula in favour of the allies. Since this great event, he might congratulate parliament on a series of successes on the part of the allied armies, which had placed the war in a situation not less promising in comparison of its former state, than that to which it had been elevated by the victory of Vittoria. In the military annals of modern times, there never had been a train of successes on the theatre of war more glorious to the armies engaged, more gratifying to the nations of Europe, or more promising of ultimate triumph to the cause, than the events which had formed the great crisis of the war in the peninsula; and he trusted, that the victory at Leipsic would be followed by events of as decisive an influence on the war in that part of the continent, as those which had occurred since the battle of Vittoria had produced on the success of the cause of Spain. The details of these events, so deeply graven on the minds of Englishmen, would not gain any additional lustre by repetition; but there was one general feature in the present state of the war, which it was necessary to allude to, as of the utmost value:—the transactions since the battle of Vittoria proved, more than all the former operations of the war, the perfection to which the native troops of the peninsula had attained; and as the only object of the British nation, in interposing the shield of its arms between the nations of the peninsula and French aggression, was, to enable them to put themselves in a state to fight their own battles; so it must be most gratifying to us to learn, that the great end of our interposition had been answered, and that the troops of Portugal and Spain were in that high state of effectiveness, which justified the Prince Regent in saying, in his speech from the throne, that in steadiness and unconquerable spirit the three nations were equal. Not only in battles had this spirit been displayed, but in the most arduous duties of the military profession—in the assault of fortresses, and particularly that of St. Sebastian; than which, there was no similar instance in the annals of war that was worthy of more renown. For the arduous duties of storming that place, the Portuguese troops were selected; and such was their military ardour, that the battalions who were not ordered to undertake the duty, begged for a share of the danger of the assault. It was a Portuguese battalion, seconded by another body of their countrymen, which crossed the river, and effected the first lodgment in the walls of the town. It was most gratifying to Great Britain, who had made such efforts in their cause, to find that the troops of both the nations of the peninsula had arrived at this state of effective discipline. When the French, on a late occasion, crossed the river in front of their position, the Spanish troops under general Freyre, as it were, in single combat, drove them repeatedly across the river; and lord Wellington, who saw and admired their behaviour, would not suffer the rest of the army to take from them any part of their glory. From this most desirable state of things, in the event of a favourable occasion, the defence of the peninsular nations might be left to their own vigorous and disciplined troops; and we must feel, that these nations, who had contended with so much ardour for their liberty, were now, from their martial spirit, capable of taking charge of their own countries against any hostile attacks. As to the attacks on St. Sebastian (for it was not one only in which the Portuguese and Spanish troops were employed), it was not necessary to state, that the nature of the place was such, that if the first did fail, the failure was attended with no loss of honour. Perhaps no siege was ever more arduous in any war, and the praise of the conquest was not more due to the valour of the soldiers than to the skill of that general who had now returned to his native land, after having planted the victorious standard of his country in the French territory. That general adopted in the time of utmost need an expedient which had never before been ventured on, and which was as well executed as conceived, to which the fall of the place was principally to be attributed. Neither was it necessary to carry the attention of the House to the difficulty of the operations by which the frontiers of Spain had been secured: perhaps, even in the extensive experience of lord Wellington, there never were operations more arduous. From the nature of the country the enemy were able to pour into one valley the whole pressure of their numerical superiority, and, notwithstanding the gallant resistance of the troops opposed to them, were able to penetrate to the neighbourhood of Pamplona. When the deficiency of the military communication between valley and valley was considered, and the consequent difficulties which the troops had to surmount, the manner in which lord Wellington combined his forces, after a series of operations which occupied no less than six or seven days, and, with but a portion of his army, not only repulsed all the attacks of one of the most able generals of the enemy, marshal

Soult (in a series of combats, in which the bayonet, that weapon which it is the peculiar pride of the British, and at present of the Spanish and Portuguese troops, to use, was more frequently than in any former occasion resorted to), but drove him back with immense loss into the territory of France, must be a matter of the highest admiration. Since that period, this great commander had driven the enemy from the position which he had chosen, and had established himself in a situation where, with greater facility, he might undertake any operation to which he might think proper to resort. He (lord Castlereagh) had no doubt that the House would agree with him on this as on a former occasion, that lord Wellington had manifested himself the first commander of the age; that the troops under his command had not shewn themselves inferior to their former conduct; and that our allies had acted as Great Britain would always wish her allies to act, and not only had become rivals of our troops, but had stood on that footing of perfect equality with them which had been exultingly remarked in the speech from the throne. The expression of the feelings of the House on the subject, would be the most gratifying to the nations of the peninsula, and the most animating to the further exertions which were still necessary to success.—He concluded by moving,

"That the Thanks of this House be given to Field Marshal the Marquis of Wellington, knight of the most noble order of the Garter, for the consummate ability, indefatigable exertion, and admirable judgment displayed by him in the operations which succeeded the battle of Vittoria; by which the enemy have been compelled to abandon the western provinces of Spain, and the allied army finally established on the frontier of France."

This motion was carried, *nem. con.*

THANKS TO LIEUT. GENERAL SIR THOMAS GRAHAM, &c.] Lord Castlereagh then moved, "That the Thanks of this House be given to lieutenant general sir Thomas Graham, knight of the most honourable order of the Bath, for the eminent services performed by him in the course of the late military operations in Spain; particularly for the ability, enterprize, and perseverance, with which he conducted the siege and capture of the town and castle of St. Sebastian."

Carried, *nem. con.*

His lordship then proposed the following Resolutions, all of which were carried, *nem. con.*

"That the Thanks of this House be given to lieutenant-generals sir Stapleton Cotton, knight of the most honourable order of the Bath, sir Rowland Hill, knight of the most honourable order of the Bath, marshal sir William Carr Beresford, knight of the most honourable order of the Bath, lieutenant-generals George earl of Dalhousie, knight of the most honourable order of the Bath, sir Thomas Picton, knight of the most honourable order of the Bath, the honourable sir Galbraith Lowry Cole, knight of the most honourable order of the Bath, the honourable sir William Stewart, knight of the most honourable order of the Bath, major-generals William Anson, sir George Murray, knight of the most honourable order of the Bath, quarter master general James Kempt, the honourable sir Edward M. Pakenham, knight of the most honourable order of the Bath, William Henry Pringle, Edward Barnes, William Inglis, John Byng, Denis Pack, Robert Ross, and brigadier-general Archibald Campbell, of the Portuguese service, for the valour, steadiness, and exertion so successfully displayed by them in repelling the repeated attacks made on the positions of the allied army by the whole French force under the command of marshal Soult, between the 25th July and 1st August last.

"That the Thanks of this House be given to lieutenant-general sir James Leith, knight of the most honourable order of the Bath, major-generals John Oswald, Edward Philips Robinson, William Frederick Spry, Andrew Hay, and brigadier-general John Wilson, of the Portuguese service, for their distinguished intrepidity and gallant perseverance in the late siege and capture of the town and castle of San Sebastian.

"That the Thanks of this House be given to the officers of his Majesty's forces serving in Spain under the command of field marshal the marquis of Wellington, for the distinguished valour, zeal, and ability displayed by them on the several glorious occasions on which they have been employed, from the date of the battle of Vittoria to that of the establishment of the allied army on the frontier of France.

"That this House doth highly acknowledge and approve of the distinguished bravery, zeal, and discipline manifested by the non-commissioned officers and soldiers of his Majesty's forces serving in Spain under the command of field marshal the marquis of Wellington on the several glorious occasions on which they have been employed, from the date of the battle of Vittoria to that of the establishment of the allied army on the frontier of France.

"That this House doth highly acknowledge the able services performed by the several general officers, officers, non-commissioned officers, and private soldiers of the Spanish forces serving under the command of field marshal the marquis of Wellington during the whole of the operations which have succeeded the battle of Vittoria, and particularly for the very distinguished valour and good conduct displayed by them in the repulse of the enemy's most desperate attack on the whole front of the position of the Spanish troops on the heights of San Marcial on the 31st of August last, and in their attack on the enemy's position on the right bank of the Bidassoa on the 7th October 1813.

"That this House doth highly acknowledge the zeal, valour, and discipline which the officers, non-commissioned officers, and private soldiers of the Portuguese forces under the immediate command of marshal sir William Carr Beresford have, to their lasting honour, eminently displayed in every enterprize and action since the battle of Vittoria."

Ordered, That Mr. Speaker do communicate the said Resolutions to field marshal the marquis of Wellington; and that he be requested by Mr. Speaker to signify the same to lieutenant generals sir Thomas Graham, the earl of Dalhousie, and sir James Leith, and to major generals William Anson, sir George Murray, James Kempt, the honourable sir Edward M. Pakenham, Edward Barnes, William Inglis, John Byng, Denis Pack, Robert Ross, John Oswald, Edward Philips Robinson, William Frederick Spry, and Andrew Hay, and brigadier generals Archibald Campbell, and John Wilson.

HOUSE OF COMMONS.

Wednesday, Nov. 10.

Committee of Supply.] After a few observations from Mr. W. Keene, the Chancellor of the Exchequer, and lord Castlereagh,

Mr. *W. Dundas* rose, to move for the number of seamen for the ensuing year. He observed, that the naval expences had exceeded in two branches—that of victualling, and that of wear and tear; which last was imputable to the extended nature of the service on which our navy had been engaged. He moved, that 140,000 seamen be employed for the service of the ensuing year, and 31,000 marines.

Mr. *A. Baring*, considering the numerous, but, he believed, necessary expences, which the state of affairs imposed on the country, was surprized that no relief was to be afforded from the naval service; but that, on the contrary, there was an excess in that department. It was with regret that he found this motion made at so very early a period of the session, for the service of 1814. He would not prejudge on the necessity of the vote; but in the present unsettled state of affairs, he could see no necessity for urging it immediately. Looking at the map of Europe, and considering what our navy had at present to do, he could not conceive the necessity for so large an armament. In France, he observed, that, according to the pressure of circumstances, some branches of public expenditure were so proportioned as to assist the necessary demands incurred by others, which were of a more exigent nature: whereas we continued to keep up full charges in all branches, as it appeared to him, unnecessarily. For years past, we had had nothing like a formidable enemy at sea; and at the period of the battle of Trafalgar we had 10,000 seamen less than now. We had a few years ago all the ports of the peninsula against us, and we had the Baltic to guard, besides our own operations against enemies' colonies. There was now a considerable prospect of our clearing the ports of Holland. He would venture to say, that there was no man, with tolerable information, who followed up the conduct of our naval administration for the last year, but must be surprised at the little that had been done effectually on the North American coast. On that subject, he should not then enter particularly; but, judging from the use made of our great navy last year, he saw no reason for giving to the Admiralty such great means. Was it meant to be contended, that this immense armament was required on the American stations; for assuredly no where else could it be necessary? From the information he and many other individuals had received, he was inclined to think, that the force already on the other side of the Atlantic, if properly applied, was more than equal to the task it had to perform. The Americans had not more than 3 or 4,000 seamen to oppose to the 140,000 this night to be voted; but he was far from believing that the naval strength under sir John Warren had been employed to the greatest advantage. Why, he asked, were forty sail stationed off the Chesapeake, to the disgrace of this country, committing depredations, burning a few sheds, and taking a few stray tobacco ships; when three or four men of war, with due vigilance, could completely have effected the purpose? He would venture to assert, that one-third of the force now stationed off the republican coast, properly distributed, would be fully adequate to blockade the enemy's harbours. It was a known fact, that the preservation of our North American possessions depended upon maintaining a naval superiority on the Lakes; but in what condition were we by the last accounts? Our ships had been expelled from Lake Erie; and on Lake Ontario, with all his gallantry and all his ability, sir James Yeo was not able to face the American force brought against him. So that the state of things was this:—that the naval affairs, either here or abroad, were so ill administered, that where a large naval equipment was required, only a small force was detached; and where but few vessels were necessary, an enormous fleet was stationed.

Mr. *W. Dundas* would not now enter into any vindication of the Admiralty; but if any direct motion of censure were hereafter produced against the board, he should be happy to meet and to refute it. Until proof of negligence or inability were adduced, he knew the House of Commons too well, to think that they would condemn. With regard to the early period at which this vote was brought forward, the hon. gentleman would find, on consulting the Journals, that it was always the first vote of supply of the session, and he (Mr. Dundas) should have been deficient in his duty if he had delayed it longer. As to the charge, that 140,000 seamen were not at this time necessary, the hon. gentleman had answered himself; since he acknowledged that the navy must not be disbanded; and because we had at present the superiority on land, were we to lessen our pre-eminence at sea? In his view no policy could be worse, than that because a peace might perhaps take place, it would be fit to reduce our naval strength. If at any future period such an event should occur, parliament would have the power of limiting our naval power; but in the present posture of affairs Bonaparte could wish nothing better than to see all our ships laid up in ordinary, and our seamen turned adrift upon the country. The hon. gentleman had said, that our navy now had comparatively little employment. What had become of the enemy's fleets formerly so much talked of?—Where was the Toulon fleet?—At Toulon ready to put to sea on the first opportunity. Of how many sail did that consist? Of not less than 25 or 26 sail.—In the Scheldt there were, how many?—Twenty-seven nearly ready for sea.—Was not this a formidable armament for our navy to meet?—At Brest, Cherbourg, and in the Texel, there were also many ships, of which the hon. gentleman (Mr. Baring) seemed to have no recollection. He recommended that every individual who brought forward serious charges of this nature should be better informed.

Lord *Castlereagh* said, that whatever prospects might open favourable to retrenchments in our necessarily great public expenditure, the House might be assured, would be readily embraced by government. In no preceding year had the difficulties attending the due distribution of our naval forces been greater than during the last year. If we had not had the assistance of the Russian fleet, he did not believe that we could have made it effectual for all purposes. That we had no formidable enemy actually at sea, was among the number of the existing difficulties. The House and the country ought to know, that, notwithstanding the immense pressure which had been made on the enemy's naval resources for many preceding years, yet he had not relaxed his maritime efforts; and that he had still fleets in most of his leading arsenals, ready for sea. He had, in fact, been accumulating his marine forces by rapid strides. The demand on the American station had been prodigious. The Baltic had also been a great pressure on our means, in consequence of its vicinity to military operations. We might, but for our naval exertions there, have seen, not a part, but the whole of the army of Denmark put in motion under the direction of France. He trusted, that the House would feel, that government would not unnecessarily keep up our naval forces: if they shewed such a disposition, it was in the power of the House, at all times, to recal them to their duty. The numbers of seamen now actually serving, approached very closely to the vote now proposed, which was precisely the same as the last, and brought forward at the same period of the session. Whenever, under all the circumstances which engaged us with our allies, or concerned our operations in the peninsula, retrenchments would be justifiable, he trusted that ministers would vigilantly turn their attention to every practicable and wise means of reduction. But parliament would recollect, that it was our duty to proceed with prudence and foresight. If we suddenly disbanded, it would not be so easy a task, on an emergency, to recal our seamen to the naval force of the country. He was not now prejudging retrenchments, but merely voting for the usual provision.

The *Chancellor of the Exchequer* would say a single word on the subject of reduction in consequence of the accommodation of different branches of his expenditure by the enemy. He thought the hon. member had been better informed respecting the state of the French finances, than to have made this assertion. His opinions might be corrected, by adverting to the published statements of them. It was quite clear, in this view, that France had not lost sight of her marine, nor had neglected any means of supporting it. All that we now proposed was, to maintain our marine at the same rate as before, should it be necessary. At any time previous to the Appropriation Act, the House had it in its power to make such alterations as it saw fitting.

Mr. *A. Baring* said, with respect to the point of time, that the House very seldom sat so early as they did this session. The motion might have been postponed till the matter was better understood. The 30 or 40 vessels in the Chesapeake to which he had alluded, had disgraced the country by their ineffectiveness, or rather by their injurious mode of warfare. All the arguments used on the opposite side would apply as well to the extension of our naval force to 150,000 seamen. Surely the fleet in the Scheldt could not be in a state of such perfect readiness for sea, and he doubted much whether that at Toulon was. The question with him was, whether, at present, greater exertions could not be made by land, through retrenchments at sea. Next year he thought that France could not be able to do much at sea; all her resources would be wanted to meet her dangers by land. Our means should be directed to great ends, and not frittered away.

Mr. *Croker* rose, and stated, that not long ago the French fleet in the mouth of the Scheldt amounted to 16 sail of the line, to all appearance ready for service. In the Texel there were not less than five, sometimes ten, in the same condition of preparation. Although some might believe that the enemy had withdrawn many of his seamen from his fleets, yet it would have been an improper confidence on the part of government, on a public rumour, so to reduce our armaments as to permit them, so near to our own coasts, to move about, insufficiently watched and guarded. The hon. member's opinion concerning the Toulon fleet was monstrous; since it was but recently that government was accused of neglect in that quarter; of having a naval force inferior to that of the enemy; particularly on the occasion of L'Emeriau's once coming out to sea, and returning to harbour. Did not an enemy's force of 50 sail of the line require watching? If the Admiralty were the victims of those illusions of the hon. member, they would indeed become liable to reproach. As to the time at which the motion was now made, it became necessary to make it in the last month of the last year's expenditure. It was also necessary that our brave seamen should be paid and fed: but then it might be said, "put it off till January." Why, the necessity of this motion was among the other important reasons, why parliament was assembled so soon this session! But all that was now intended or proposed was, to vote one half of what was wanted. All the civil part of the naval expenditure, new buildings, repairs, and other items, on which a difference of opinion might fairly arise, were kept back for the period of the ordinary estimates, three or four months hence. Government might have adopted another mode, by proposing a rateable sum, for a few months' expenditure; but they had not done so, because they must then have forced upon the House, at that early period, the whole affairs of the naval department, to be printed and voted. It was thought much preferable to ask, now, for no more than what appeared necessary for the payment of our seamen, and the expenses of our ships actually at sea; leaving all the rest for future consideration and discussion.

Whenever the hon. member should think proper to move any propositions on this subject, he should have, as far as his (Mr. C.'s) humble abilities went, every assistance in his power to afford him; being confident that an enquiry would redound to the credit of the Admiralty, and prove the hon. member to be misinformed. He could not tell why sir J. Warren had 30 pennants in the Chesapeake; but the hon. member might be a better admiral than sir J. Warren. That admiral was responsible for his conduct. He had done what he thought proper in his situation. With 120 pennants, he might have had 30 in the Chesapeake: he did not know that he had, and he thought he had not. He wished to put in his plea for those brave officers and men who had been blockading that coast during dreadful weather, that their characters might not be hinted away. He wished the officers had not been alluded to. The naval administration would be found perfectly ready to defend itself; and as to the officers, he hoped the House and the country had full confidence in them; for what had they not to acknowledge, or to expect, from the tried skill, courage, and valour of British seamen?

Mr. *A. Baring* said, that the enemy's fleets might not require to be watched by a fleet equal to theirs; but our numerous force on the American coast had done nothing essential, and the service appeared to have been much neglected. That was his decided opinion from all he heard respecting it, which had been from many quarters. Whoever was in fault, the navy had been neglected. It did not follow from what he said, that he was a good admiral. All he pretended to say was, that the force employed had been very ill directed to its objects.

Lord *Castlereagh* said, that this question could only be discussed fairly at a future time. It should not have been opened up now. Whatever might be thought of particulars, the general exertions had enabled us to contend in America without any prejudice to operations in Europe.

The Resolution, and the other usual ones for the respective sums, were put and carried.

HELLESTONE.] Mr. *Bankes* brought up a Bill for securing the freedom of election in this borough; which was read a first time, and ordered to be read a second time on Wednesday, after some observations from Mr. Swan against hurrying the measure.

HOUSE OF COMMONS.

Thursday, Nov. 11.

PETITION OF DEBTORS IN THE FLEET PRISON.] A Petition of several insolvent debtors was presented by sir Samuel Romilly, and read: setting forth, That the petitioners are prisoners for debt in his Majesty's prison of the Fleet, where most of them have been confined upwards of six months, and several nine, twelve, fifteen, and even eighteen months; and that an Act was passed in the last session of parliament for the relief of insolvent debtors in England; but, notwithstanding the said Act received the royal assent on the 10th day of July last, and a fit person might have been appointed commissioner under the same within a few days after, yet no such appointment was notified in the London Gazette till the 21st day of September last; when Arthur Palmer, esq. serjeant at law, was appointed to be such commissioner; and that although seven weeks have elapsed since the said appointment, yet no person hath been discharged from confinement under the said Act, notwithstanding the provisions thereof, that a notice of twenty days only is required to be given to the creditors of the persons seeking the benefit of the same; and that the petitioners have long since taken the oath prescribed by the said Act, and have delivered in a schedule containing a full and true description of their debts, and of the property whereof they are possessed, and have petitioned the commissioner to appoint an early day for hearing the matter of their petitions; but not more than thirty orders have been made by him upon such petitions, and under those orders some of the petitioners are not to be brought before the commissioner till the 24th of December next; and they apprehend that, according to the mode in which the commissioner is now proceeding, many of them will not have their petitions heard till February or March next, and even later; and that the petitioners, in consequence of their long confinement, are suffering the greatest privations and distress, many of them having families who are entirely dependent on their exertions, and who are at this moment in a state of absolute starvation and despondency; and praying, that their serious distresses may be taken into the immediate consideration of the House, and that they will please to adopt proceedings for their speedy liberation.

Sir *S. Romilly* said, he felt it proper to present the Petition of these individuals, as soon as possible; but as it contained some imputations against a learned gentleman (Mr. Palmer), who was not a member of that House, and therefore had not an opportunity of defending himself, he thought that he should have acted wrong, if he had introduced the Petition before he had communicated its contents to that gentleman. He therefore delayed presenting it for 24 hours; and in the interim he stated to Mr. Palmer the allegations contained in the Petition.—Mr. Palmer observed, in answer, that as soon as he was appointed to the situation, he applied for a proper place in which he might hold his court. It was necessary that it should be in a public situation, where all creditors of persons claiming under the Act should have an opportunity of attending. Some difficulty arose in procuring a place of this description, but the Guildhall of Westminster was ultimately appointed for the purpose. He had then determined on hearing twenty petitions each day, till the whole were disposed of—the total number intending to claim being 1350. He felt it a duty incumbent on him to make this statement; at the same time he thought it was necessary to present the Petition, as it was of so much importance to a great number of debtors, both with relation to themselves and to their wives and families.

Mr. *H. Addington* did not rise to oppose the Petition. Those who had a right to expect any benefit under the Insolvent Act, might reasonably be supposed to feel much disappointment at its not having been carried into effect; and it was natural for them to think that the blame originated with the persons to whom its execution was confided:—A report had gone abroad, the source of which he could not imagine, that a noble relation of his (viscount Sidmouth), the secretary for the home department, had been the cause of the delay complained of. Now, in point of fact, no blame could be attached to that nobleman. When he said this, he by no means wished to shelter the conduct of his noble relative from enquiry; for he would undertake to prove and demonstrate to any gentleman, that every possible effort had been made by that noble lord, in the execution of his official duties, to carry into effect the provisions of the Insolvent Debtors' Act, as far as he was concerned. Every unprejudiced man must see the difficulties which were to be surmounted, before the Act could be rendered effective. Much difficulty was experienced in procuring a proper person to investigate the various cases that would arise; and certainly no unnecessary delay had taken place in selecting the individual. Considerable difficulty was also encountered, in providing a situation where he could conveniently discharge his duties. The learned gentleman (sir S. Romilly), he was sure, did not mean to impute the blame of any delay in carrying the measure into effect, to his noble relative, or to the learned serjeant on whom the appointment of judge had been conferred; but still he thought it necessary to make these few observations, in consequence of certain assertions contained in the petition.

Alderman *C. Smith* expressed a hope that no time would be lost in extending the benefit of the Act to those for whom it was intended. If only twenty cases were heard *per diem*, the object of the legislature would not be effected for a great length of time. Newgate was at present full of debtors, anxiously waiting for their deliverance; and they thought it extremely hard, that no proceeding had yet taken place under the Act. Much of the delay might, perhaps, have been avoided, if a salary for the judge had been mentioned in the Bill.

Mr. *H. Addington* wished to put the worthy alderman right on the point to which he had last adverted. The circumstance of no salary having been inserted in the Act, had not occasioned any delay. When it came to the knowledge of the Secretary of State for the home department, he immediately stated the fact to the noble lord at the head of the Treasury, and the latter took upon himself the responsibility of paying an adequate salary; as he entertained no doubt that parliament would ultimately sanction his conduct.

Mr. *Kenrick* said, when the Insolvent Debtors' Bill was before the House, he had distinctly stated, that, until the operation of the Bill was known, and the duty which was likely to devolve on the individual appointed to administer its provisions was fairly understood, it was utterly impossible to estimate the just amount of the salary to be granted. He had also stated at the time, that it was intended, at a future period, to make an alteration in the rules of the King's-bench and Fleet, where many persons at present lived in luxury on the property of their creditors, whom they set at defiance.

Sir *Samuel Romilly* was very glad that the learned gentleman had made the statement which he had just heard, as it did away a gross mistake into which many persons had fallen. It was said, that the Bill had passed through that House, without any salary being annexed to the situation of judge, and that this circumstance was not observed at the time. Now this was not the fact. No neglect could be attributed to the House. Gentlemen were perfectly aware, that no salary was mentioned. They felt, that, as the duties of the office were quite uncertain, it was not possible to fix the salary at that moment. It appeared to them, that the same system might be pursued, which had been before acted upon in other cases; for instance, in the appointment of commissioners—that the question of remuneration should not be previously settled, but should be left for decision after the duties of the office were ascertained. They were of opinion, that the best thing they could do was, to leave the Bill in all respects as it was introduced into the other House, where, they supposed, it had received the tacit approbation of all the great law authorities.

Mr. *Kenrick* said, he felt very great satisfaction in seeing that Mr. Serjeant Palmer (one of his oldest professional friends, than whom a more honourable or a more learned man was not to be found in Westminster-hall) was by the fair and candid statement of the learned gentleman (sir S. Romilly) absolved from blame. After the observations made by that learned gentleman, he would only say, that the consideration of fixing a salary for Mr. Serjeant Palmer had not delayed the measure a single hour.

The *Chancellor of the Exchequer* said, that no delay whatever had been occasioned, in consequence of the non-insertion of the amount of the judge's salary in the Insolvent Act. When an application on that subject was made, he was directed to recommend to the crown, that such a salary should be forthwith ordered, as the nature of the duties attached to the office might appear to demand.

The Petition was then brought up, read, and ordered to lie on the table.

THANKS OF THE HOUSE TO MAJOR GENERAL GEORGE ANSON.] Major general George Anson being come to the House, Mr. Speaker acquainted him with the Resolutions of the House of the 3d day of December, 1812, and of the 7th day of July last, respecting his services in the battles of Salamanca and Vittoria; and Mr. Speaker gave him the Thanks of the House accordingly, as followeth:

"Major-general Anson; When last I had the honour of addressing you from this place, you came to receive our Thanks for your share in the glorious battle of Talavera.

"Pursuing the same career, under the same illustrious commander, it is more gratifying than surprizing to see, that in succeeding campaigns you have reaped new laurels.

"The badge of honour which commemorates your services at Salamanca, brings to our recollection those skilful operations in which you were engaged upon the Douro previous to that memorable day, and the destruction which your cavalry poured down upon the rear guard of the enemy in their flight.

"In the battle of Vittoria the British cavalry also took their part; and, acting with the left wing of the allied army, under the immediate command of lieutenant general sir Thomas Graham, a name never to be mentioned in our military annals without the strongest expressions of respect and admiration, your squadrons contributed to cut off the enemy from their direct retreat into France; and all Europe has heard of their consequent rout and dispersion.

"To you, Sir, I am therefore commanded to express the gratitude of this House; and, in the name of the Commons of the United Kingdom of Great Britain and Ireland in parliament assembled, I do now deliver to you their unanimous Thanks for your distinguished exertions in the battle of Salamanca, upon the 22d July, 1812, which terminated in a glorious and decisive victory over the enemy's army;

"And also for your great exertions upon the 21st of June last, when the French army was completely defeated by the allied forces near Vittoria, under the marquis of Wellington's command."

Upon which Major General *Anson* said;

"Sir; This is the second time I have had the honour of rising in this distinguished assembly to receive through you, Sir, the thanks of my country; to which, and to this honourable House, I return my warmest acknowledgments.

"I should not do justice to the illustrious and noble commander with whom I have had the happiness of serving, or to those brave troops under his command (whose gallantry and discipline I have had such frequent opportunities of witnessing), did I not assure you, that it is to them I consider myself indebted for being placed in this highly honourable situation; I should be greatly deficient also in what is due to myself were I to omit expressing my sincere and most heartfelt thanks to you, Sir, for the very gratifying manner in which you have conveyed to me the sentiments of my country on this, and on a former occasion; thus conferring upon me an additional mark of distinction which it will ever be my pride to acknowledge."

Ordered, *nem. con.* that what has been now said by Mr. Speaker, in giving the Thanks of this House to major general Anson, together with his Answer thereto, be printed in the Votes of this day.

THANKS OF THE HOUSE TO SIR THOMAS PICTON.] Lieutenant-general sir Thomas Picton, knight of the most honourable order of the Bath, being come to the House, Mr. Speaker acquainted him with the Resolutions of the House of the 7th of July last, and of the 8th instant, respecting his services in the battle of Vittoria, and in the subsequent operations of the allied armies in Spain; and Mr. Speaker gave him the Thanks of the House accordingly, as followeth:

"Lieutenant-general sir Thomas Picton;

"In this House your name has been long since enrolled amongst those who have obtained the gratitude of their country for distinguished military services; and we, this day, rejoice to see you amongst us, claiming again the tribute of our thanks for fresh exploits and achievements.

"Wherever the history of the peninsular war shall be related, your name will be found amongst the foremost in that race of glory; by your sword the British troops were led on to the victorious assault of Ciudad Rodrigo; by your daring band the British standard was planted upon the castle of Badajoz; when the usurper of the Spanish throne was driven to make his last stand at Vittoria, your battalions filled the centre of that formidable line, before which the veteran troops of France fled in terror and dismay; and by your skill, prudence, and valour, exerted in a critical hour, the enemy was foiled in his desperate attempt to break through the barrier of the Pyrenees, and raise the blockade of Pamplona.

"For the deeds of Vittoria and the Pyrenees, this double harvest of glory in one year, the House of Commons has resolved again to give you the tribute of its thanks; and I do therefore now, in the name and by the command of the Commons of the united kingdom of Great Britain and Ireland in parliament assembled, deliver to you their unanimous thanks for your great exertions upon the 21st of June last near Vittoria, when the French army was completely defeated by the allied forces under the marquis of Wellington's command;

"And also, for the valour, steadiness, and exertion, so successfully displayed by you in repelling the repeated attacks made on the position of the allied army by the whole French forces under the command of marshal Soult between the 25th July and 1st of August last."

Upon which Lieutenant General Sir *Thomas Picton* said:

"Sir; Being entirely unaccustomed to speak in public, I have great difficulty in expressing the high degree of gratification that I feel at the very flattering sentiments which this honourable House has been pleased to entertain of my services, and at the very handsome manner in which they have been communicated. I have always, Sir, regarded the thanks of this honourable House as one of the highest honours which could be conferred on any officer; as the unquestionable evidence of past, and the greatest incitement to future services.

"But I can apply individually to myself but a small part of the high commendations which have been so liberally and handsomely bestowed; a great proportion is unquestionably due to the generals and officers commanding brigades and corps in the division, for the judgment and gallantry with which the services alluded to were invariably executed: and to the officers and troops in general, for the spirit and intrepidity which bore down all resistance, and secured complete success in all the important enterprizes on which the division had the good fortune to be employed during the whole course of the war in the peninsula.

"It will ever be the height of my pride and ambition to share the fortunes of a corps eminently conspicuous for every high military qualification, and actuated by a spirit of heroism which renders it truly invincible. With such instruments, Sir, you will easily conceive that it cannot be difficult to obtain success; and it would be unfortunate in the extreme if we failed entirely to reflect some of the brilliant rays of the great luminary that directed us."

Ordered, *nem. con.* That what has been now said by Mr. Speaker, in giving the Thanks of this House to lieutenant-general sir Thomas Picton, together with his Answer thereto, be printed in the Votes of this day.

Report from the Committee of Supply.] Mr. Lushington reported from the Committee of the whole House, to whom it was referred to consider of the supply granted to his Majesty, the Resolutions which they had directed him to report to the House; and the same were read, and agreed to by the House, and are as follow:

1. That 140,000 men be employed for the sea service for the year 1814, including 31,400 royal marines.

2. That a sum, not exceeding 3,230,500*l.* be granted to his Majesty, for wages of the said 140,000 men for 13 months, at the rate of 1*l.* 15*s.* 6*d.* per man per month.

3. That a sum, not exceeding 4,572,750*l.* be granted to his Majesty, for victuals for the said 140,000 men for 13 months, at the rate of 2*l.* 10*s.* 3*d.* per man per month.

4. That a sum, not exceeding 3,913,000*l.* be granted to his Majesty, for the wear and tear of the ships in which the said 140,000 men are to serve for 13 months, at the rate of 2*l.* 3*s.* per man per month.

5. That a sum, not exceeding 637,000*l.* be granted to his Majesty, for ordnance for sea service on board the ships in which the said 140,000 men are to serve for 13 months, at the rate of 7*s.* per man per month.

New Military Arrangements.] Lord *Castlereagh,* in rising to propose his plan for the new arrangements in the army, said, he should not dwell upon the expediency, at the present moment, of giving every possible efficiency to the disposable force of the country. On that subject there was but one sentiment in every part of the House; nor should he do justice to the strength and prevalence of this sentiment, if he were not to state his conviction, that it was the wish of every individual in the House and in the kingdom to use every exertion for securing the permanent honour and interests of the country, consistently with the necessary limits of our military and political resources. His object would not therefore be to recommend exertion, but to consider what direction it would be most advisable to give to that exertion, in order to make it most effectual; and to strike a fair balance between the advantages and disadvantages of the different degrees and modes of operation which our circumstances placed within our reach. In this view, then, he was not about to call upon the House to make any great or unnatural effort; or to call upon the country for any sacrifices greater than were made by the other states of Europe: all that he wished was, to urge them to use proportionable efforts, and to submit to equal sacrifices in support of the common cause, and for the purpose of giving a happy and glorious result to that sentiment which now animated the great confederacy of Europe, to check the ambition, and limit the power, without tarnishing the honour, of France. The assistance of Great Britain might be more effectually employed for this purpose, by indirectly aiding the allies by our resources, than by immediate and partial efforts of our own. He relied the more confidently on the propriety of this line of policy, because he was satisfied that it was owing to the continued firmness and moderation of our counsels that Europe was in its present state. It had been restored from the humiliation and ruin which overwhelmed it, to a proud height of honour and independence, by the prudence, not less than by the magnificence of our exertions. It was this wise and long-sighted forbearance, this determination not to push our efforts beyond our resources, that had given an increasing *impetus* and *momentum* to them; whereas by a premature and inconsiderate waste of strength, the spring of national spirit would have been broken down, and our career arrested in its progress. But now, when all the world was making one great effort for its redemption, it became the spirit of this country to take part, a proud part in it—not to overstrain or exhaust itself; but not to shrink back in the decisive moment, not to suffer all the advantages and all the glory which had been gained, to be lost by a deficiency of cordial co-operation on the part of Great Britain. We stood now in the situation of having obtained all the objects originally proposed by the war, even beyond the most sanguine expectation. The independence of the peninsula, in particular, had been placed upon a firm and lasting basis. In the former campaigns, the success of the British arms under lord Wellington had been great and brilliant; but now that his victories were as numerous as the battles which he fought, that he had no longer any occasion to look back to the impregnable lines of Torres Vedras as a last resource; now that his great genius had accomplished all that his ardent and patriotic mind had proposed to itself, and had placed the liberties and territories of the whole peninsula under our protection, would it not be an abuse of confidence in the plans of that gallant leader, and an abuse of confidence in the success which almost uniformly attended the British arms, to turn back so near the end of all our labours and triumphs, and not to reap the fruits of victory which were put into our hands? He did not mean, by any thing that he had said, to insinuate a wish that we should expose what we gained to unnecessary hazard, or launch into a sphere which was better occupied by others: but, without explaining himself more particularly, he might be allowed to say, that there were points of the utmost consequence to this country, both in a commercial and political view, where a corps of 10 or perhaps 20,000 men co-operating with our maritime strength, might turn the tide of success in our favour. He did not think there could be any hesitation, where such a force would make the whole difference, whether an old and useful ally should be rescued from the grasp of the enemy, or left denuded of all support. He did not therefore recommend unlimited increased exertion, but mitigated increased exertion; that is, an increase of exertion proportioned to the importance of the end, and consistent with the extent of our means; and on this principle he would rest the merits of the plan which he was about to submit to the House.

With respect to the supply of the army, all the advantages had resulted from the existing system which had been expected from it. It was gratifying to him to be able to state, that such had been the means placed in the hands of government in recruiting the army, and so little had been the waste made of human life, that both the regular army and the militia remained at as high a point of numerical force as ever, in spite of all the exertions we had made; and certainly no nation ever did push its exertions abroad, in proportion to its physical strength, farther than we had done in the last years of the war. It reflected the highest credit on the illustrious individual at the head of the war department, that such was the attention paid to the health and discipline of the army, that including the whole of our troops, colonial and European, our loss yearly did not exceed 1-7th or 8th; that is, in 230,000 troops, the general amount of casualties, not only of deaths, but discharges, desertions, &c. did not exceed 25,000, though the natural waste of an army was generally one-tenth or one-twelfth, even in times of profound peace. Notwithstanding the sanguinary actions and assaults which had taken place in the last year, our total loss was not, as far as could be collected, more than 30,000 men. The present mode of recruiting the regular army, independently of any extraordinary exertions, would be sufficient to maintain it in its present numbers: he did not think the supplies from the militia would continue the same; or that we could reason prospectively upon this part of the subject, from the results of past experience. But the plan which he should now proceed to lay before the House went upon the supposition of our being possibly called upon for extraordinary exertions, either on the side of the peninsula, or in aid of the allies, in any critical emergency in which our assistance might be necessary to bring the great cause in which we had hitherto so nobly persevered, to a prosperous and decisive issue.

In what situation, continued the noble lord, would the country now have been placed, if the militia had not lent themselves to the exertions which parliament from time to time called on them to make? Since the year 1805, when government first called on the House to allow the militia to enter into the line, they had contributed within 250 men of 100,000 to the disposable force of the country. If this measure of rendering the militia auxiliary to the regular army had not taken place, if the old prejudices, with respect to that description of force, had been still kept up, and they had been prevented from entering the regular army, this country would not now possess the military character which it had acquired. We might have kept up our colonial policy, and made those exertions which were witnessed in former wars; but we could not have kept possession of Portugal, or have sent forces to co-operate in the deliverance of the peninsula at large, and to take up that menacing position on the frontiers of France which our army now occupied. We should have been shut up within the bounds of our insular policy, and we could not have set that glorious example to other nations, or borne our share in the general exertions which have been made for the deliverance of Europe. Parliament ought always, therefore, to bear in recollection, that it is to the militia we owe the character we at present enjoy in military Europe; and that without the militia we could not have shewn that face which we have done in the peninsula. He wished it to be understood, that in what he had to propose, it was not his intention to transgress or go beyond those great principles which ought to be held sacred with respect to the militia. He had never been one of those who considered that there were any principles in the constitution of the militia which rendered that force inapplicable to the general service of the country, provided neither officers nor men were broken in upon either directly or indirectly. The militia might be broken in upon directly by law, and they might be broken in upon indirectly in a manner not less unbecoming; and any alternative which, though not compulsory on them, it might be painful to their own feelings to refuse, was very different from the mode of treatment merited by that respectable body. The most complete freedom of choice ought, therefore, in his opinion, to be preserved. But he never thought there was any thing in the militia which rendered them unfit for general service. They had supplied an assistance of not less than 100,000 men to the army, and the success of the whole contest had hinged on the exertions which this reinforcement enabled us to make. If the militia principles were in any respects changed, they were changed for the better; and at no period, he would venture to say, were the militia of this country either more numerous, more highly disciplined, or more capable of performing their proper functions, that is, of occupying a middle station between the local militia and the standing army, than they were at the present moment. He wished, therefore, the House to understand, that there was in contemplation no attempt to encroach on the constitution of the militia. No person would wish the militia to lock up the service of any man who would rather serve in another description of force. The true military philosophy was, to give the greatest possible facility to individual exertion, that it might find its proper level. Men were actuated by various motives and inclinations to make choice of one description of service rather than another; and it was their business to facilitate the exertions of individuals, but not to attempt to impose on any men the necessity of adopting new arrangements by appealing to their patriotism or their feeling. So far from putting it to the militia, whether they would lend themselves to another sphere of service, he wished the arrangement to be considered not as an appeal, but merely as an offer of certain terms to those who were willing to enter into the regular service. Any of the officers and men might take that offer if they chose; but still there was to be no departure from what was formerly understood to be the constitution of the militia. There was every reason, indeed, to presume, that unless some force were laid on the inclinations of individuals, a much greater number of men would be willing to go into the regular army than could possibly be accepted of. In point of fact, a very general disposition existed among the 70,000 men, of which the militia was composed, to enter the line. He was well assured, that a very large proportion of individuals, both men and officers, in the present interesting circumstances of the world, would consider it a favour to serve actively instead of passively. He wished merely to give such a due and reasonable degree of encouragement to this wish, as was not inconsistent with sound military principles. He would state, as the principle on which they proposed to act, that whatever number of men it might be the policy of the legislature to give to the disposal of the executive government, they might not be precluded from acting on that feeling which he considered to be so prevalent at present in the militia; and that if there should be a particular number of men disposed to accept of the measure, they should be permitted to enter into the extended service. He was quite aware, that there was no regiment which had not a limited number of men, that, from various considerations, were not suited for foreign service.—His view was not, therefore, to send the militia on foreign service, but merely to allow them to give such a number of men to the army as would enable us to sustain the attitude we at present held. It was his wish that no militia regiment should be left without such a proportion of men, as would be found necessary for carrying on the system of recruiting, and form, as it were, the basis of the regiment. His intention was to propose in the Bill which he meant to bring in, that in the number of men who might volunteer into the army, not more than three-fourths of any regiment should be taken; and that one fourth part, at least, of every regiment should be preserved. He thought it advisable not to check the disposition which prevailed in the militia of entering absolutely into the line, because in no wise could they be so usefully employed as in the line, which was a more extended species of service. He was disposed, therefore, not to impede that mode of serving, but by a small additional bounty to encourage it; and if a certain number of men would go, to allow the officers to go with them. He was happy to state, that in the judgment of his Royal Highness the Commander in Chief, no injury whatever would accrue to the army by allowing the officers of the militia, up to the rank of captains, to pass into the line, and to receive half pay. His Royal Highness approved also of giving them this farther advantage, that after a certain time of service they should be considered as officers having permanent rank in the army corresponding to the rank which they held in the militia. In the first instance, they were to receive half pay, and after some time permanent rank in the army. The number of individuals admitted to those advantages would be in proportion to the number of men who went with them into the army: one hundred men to admit one captain, one lieutenant, and one ensign, who at first would be entitled to half-pay, and, after having served one campaign, to fill every situation of the army. He had thus been endeavouring to state the advantages of a transfer of service into the line; but there was no ground to presume that the class of men disposed to transfer their services would be found so numerous as to afford any thing like what the exigencies of the present moment demanded. He had, therefore, another plan to propose, of encouraging the desire of active service in the militia, which was more congenial with the principle of that body, and which would liberate a great number of both officers and men desirous of extending their services. He proposed, that they should also be permitted to volunteer to serve as militia-men. The officers would be considered as still belonging to the militia of their country; but they would return home with this advantage, that having gone abroad at a critical period they would be entitled, on being disembodied, to the half-pay of the army. He thought there would be a great disposition among the militia to go on this service; they would go as militia-men, and they would continue to have all the advantages of militia-men. A man would be enabled to serve his country abroad, without leaving his wife in want at home. In England, indeed, all descriptions of people were entitled, in exigency, to relief from their parish, but in Ireland and Scotland there was no parish support. It was, therefore, proposed, that this class, who were merely a disposable militia, should continue to possess all the advantages of militia-men, and that the officers, as already stated, should have also the advantage of half-pay. With respect to the manner in which they ought to be organised, and rendered useful, the precise rule to be applied could not be well laid down, till they saw what disposition existed in the militia to extend their services, and what offers might be made. As it was not however meant to allow the whole of any regiment to extend their service, the proportions accepted would be formed into provisional battalions of militia for foreign service; the sphere of their service would be limited to Europe, and the command of the battalions given to militia officers. He knew there were regiments in the militia service who were impatient to go abroad as regiments, and disposed to sacrifice any thing rather than derogate from their integrity as regiments. He was perfectly well aware of the disadvantage of separating one part of a regiment from another, and of doing any thing which had a tendency to extinguish the *esprit du corps.* Giving every allowance to this feeling, still, however, he was not disposed to think that these provisional battalions would be found, on comparison, to be less effective than other regiments. Lord Wellington gave it as his opinion, that some of the most effective battalions under his command, were formed of three or four reduced regiments, and sometimes a greater number, who were thrown together into one battalion, instead of sending them home to be recruited to their proper establishment. There were not more effective battalions in the whole army than those which were so formed. It ought to be left to the discretion of the commanding officer, whether the field officers should be taken from the militia or the line; but in all cases the lieut. colonel ought to be taken from the militia, that the character of militia regiments might not be lost. He had occasion to know, that in Ireland provisional battalions, of a description like that which he had been stating, were found to be inferior to no troops in all the qualities for which soldiers are valuable. All the difficulties which frightened our ancestors, and which were important at one time in point of privilege, ought now to be lost and swallowed up in the necessity for exertion imposed on us by the present times. The great principle which ought now to be borne in mind was, that we were struggling in the defence of our own liberty, and the liberty of Europe. Fragments of regiments and minute parts of regiments might be brought together, and used as militia, with as great advantage as whole regiments. He hoped they would not be discouraged in undertaking the great effort which they had in contemplation, under the idea that they could not possibly get over all the embarrassments to which it would give rise. The proper principle for an Englishman to adopt was, that individuals ought to be allowed to exert themselves in the way which was most agreeable to their own inclinations. Having stated the outline of his plan, he would next proceed to state the expectations which he had of the numbers of men to be derived from it, and from the ordinary recruiting of the country.—The ordinary recruiting would not, in fact, be affected so much by the measures which were going on at the same time, as persons judging merely from theory might be led to suppose. He should propose, that the bounty for the transfer from the home to European service should be 10 guineas; and that for entering into the line 12 guineas should be given, for a service limited in point of years; and 16 guineas for a service for life; thus allowing two guineas for each part of the scale. With respect to the extent to which it might be prudent to give the executive government the power of receiving offers from the militia, he was not disposed to push the measure beyond what might be considered a healthful exertion for the country. He was aware, that there were various important duties for the militia to perform at home, in the services of the interior. The amount of force which he was disposed to take, would not, he conceived, operate as an unreasonable pressure on the country. He should propose, to take the quota which by the existing laws regulating the entrance from the militia into the line was placed beyond all hazard, and also a number equal to the quota for the succeeding year; and he had farther to propose, that the arrears of the numbers allowed to volunteer in former years might now be made good. The annual quota from the militia to the line amounted to 10,000—the double quota would therefore be 20,000—and the arrears of former years might be stated at 6,000—making, in the whole, 26,000; and that was the whole extent of the numbers which it was now proposed to take. The House would see what was the nature of the supply which this measure, if it succeeded to the expectations formed of it, would require. Supposing the measure to produce 26 or 27,000 men, and that the ordinary recruiting did not fall off from the usual number of 14,000, the government would be enabled to realize 40,000 men, exclusive of the recruits for the foreign regiments.—He had already stated the average waste of our army for the last four years to have been 25,000 men, and that the waste of this year might be presumed to amount to 30,000. He should in this manner be taking prudent precautions for the proper supply of our army. Such a supply was indispensable, in order that the great acquisitions which we had been enabled to make might not be committed to hazard, and that the executive of the country might have the power of striking some important blow in an interesting quarter, when occasion should admit of it. At no period in the history of this country had there ever been so great a proportion of our regular forces employed abroad as there now was; and that portion of our army which was stationed at home was reduced to narrower limits than ever. Notwithstanding the present happy temper of the country, which was in the enjoyment of the blessings of plenty, of the satisfaction derived from its exertions, and the prosperity which flowed from its industry, a temper of public mind congenial to Englishmen, still it would be unsuitable in the executive government, however slight grounds there might be for apprehensions of danger, to run any risks by stripping the country of the number of troops necessary for the preservation of the public tranquillity.

During the time for which the plan of enlisting for the militia had been adopted, 32,000 had been raised for that body, or about 10,000 men annually. From this system having been so successful at the ordinary rate of exertion, he trusted that men enow might be raised to cover the draughts into the line, without resorting to the very onerous proceedings connected with a ballot. At all events, he was satisfied that there would be no necessity for any ballot, except at a period so remote, as to allow a proceeding of this nature without any extraordinary pressure on the country; for example, not until the expiration of the Bill which he should propose, which would be at the end of a year from next Christmas.—He trusted, however, that by the increased exertion of the lieutenancy and gentry of the different counties, the militia might be supplied by men raised by beat of drum, without resorting at all to the ballot. He conceived that he had sufficiently explained the grounds on which the Bill was founded, and the motives in the abstract which led to it, respecting which there could be but one feeling in the House; he should therefore close, by desiring to be distinctly understood as to the point which he had stated at the outset of his speech, that the government did not wish to appeal to the public spirit, or individual feelings of any of the militia men, but merely to withdraw obstacles which prevented them at present from following the bent of their own natural inclination to serve their country; and that the executive was desirous of holding out all fair encouragement to any men desirous of so doing. His lordship concluded by moving for leave to bring in "a Bill, to enable his Majesty to accept the services of a proportion of the militia out of the United Kingdom, for the vigorous prosecution of the war."

Leave having been given,

Mr. *Whitbread* said, across the table, that there were some parts of the noble lord's (Castlereagh's) statement, which needed a little explanation. His lordship had not distinguished between the ten guinea and the twelve guinea bounty-men; as it did not appear, by his lordship's statement, for what term the ten guinea men, the militia-men serving abroad, were to be liable to be kept on foreign service. As to the term "one campaign", he (Mr. Whitbread) supposed that some specific time would be mentioned, as forming a campaign, to entitle the militia, who had served abroad, to half-pay. He wished to understand also, whether it was meant that the families of the ten guinea men, were to remain chargeable to the parish, while the families of the twelve guinea men were not? Did his lordship state, that a double proportion would be called out from the militia; and that to this would be added an arrear of 6 or 7,000 men, which was the amount of the difference between the numbers actually raised in the two last years, and that expected to have been raised from the militia?

Lord *Castlereagh* stated, that the arrear of which he had spoken, was not on the two last years alone, but on all the time during which the system of draughting from the militia had been established—what the precise amount of this arrear was, he could not exactly say, but he believed it to amount to 6 or 7,000 men. The difference between the militia-men serving abroad, and those enlisting in the line for a limited period, was, that the militia-men would retain their privileges, while those who enlisted in the line would be on the footing of other soldiers. The exact time which would be considered as a campaign would be regulated by the Commander in Chief, according to the general acceptation of the term. The period during which the militia-men who had volunteered for foreign service might be called upon to serve abroad, would be until six months after the signing of a definitive treaty of peace; at which time they would be disbanded, even if their services as militia-men had not expired.

Mr. *Whitbread* said, that as to the plan in general, this was not the time to stand still; and, to make any efficient exertion, a large additional force was necessary, which could be supplied from this source alone. I support, therefore, (said Mr. W.) the measure which has been proposed, in the just hope, that these increased means will only be applied to their legitimate object; and that no new project of ambition on our part, or on the part of our allies, will divert us from it. Such projects may arise; but I support this measure, hoping and trusting that the means it affords will be applied to this object alone—the obtainment of a speedy and honourable peace.

Lord *Castlereagh* accepted the support which the hon. gentleman proffered, and which was not the less valuable for the conditions which were annexed to it. He hoped, however, that this general spirit of amity with which the House regarded the measure would not prevent the most strict examination of the details.

Mr. *Whitbread* said, that it might be better that this examination should take place after the Bill had been through a committee, and the blanks filled up; in which state it might be given to the members.

HOUSE OF COMMONS.

Friday, November 12.

Committee of Supply.] The House having resolved into a Committee of Supply,

Mr. *Arbuthnot* moved, that the sums of 10,500,000*l.* and of 5,670,700*l.* be granted to his Majesty to take up the Exchequer bills, out-standing, under the acts of last session.—Agreed to.

The House then resumed, and the Report was ordered to be received to-morrow.

Ways and Means.] The House then resolved itself into a Committee of Ways and Means; and the annual taxes on malt, pensions, sugar, tobacco, and snuff, were granted, towards raising the Supply.

The *Chancellor of the Exchequer* said, that the tax on sugar, consisting at present of three distinct duties, was productive of great inconvenience. At present, also, the drawbacks on sugar exported were charged on the consolidated fund, which caused an apparent diminution of that fund, and a correspondent increase on the sugar duties. This, though of no disadvantage to the public, produced a prejudicial inaccuracy in the accounts. He, therefore, gave notice, that he should during the present session propose some measure to remedy these defects.

The House then resumed.

Insolvent Debtors in the Isle of Man.] Mr. *Horner* said, he held in his hand a petition similar to four or five which he had before presented, not only from the same body of persons, but from the same individuals—the prisoners confined for debt in Castle Rushen, in the Isle of Man. This Petition was read; setting forth;

"That, during the time the Act was pending, which passed in 1811, for the relief of Insolvent Debtors in Great Britain, a clause was introduced extending the benefits thereof to persons confined for debt in the Isle of Man, which clause, upon consideration thereof in the House of Lords, was withdrawn; and that, in the year 1812, a Petition was presented to this House, on behalf of the prisoners confined for debt in the Isle of Man, praying relief, but which Petition was withdrawn; upon an understanding that, during the ensuing summer recess, such steps would be taken by the Manks legislature as would render any further application to parliament unnecessary; and that, in pursuance thereof, the petitioners were in hopes an Act would have passed so as to have relieved them before this period; and that the Manks legislature had passed last year such a Bill for their relief as could not receive the royal assent; and that, though his Majesty's subjects in the most distant parts of the globe have been relieved by the Act of last session, the petitioners are still in the same unhappy situation, some having been confined upwards of seven years; and praying, that the House will take their case into consideration, and grant such relief as to them may seem meet."

The Petition was brought up, and ordered to lie on the table.

Militia Service Bill.] The Militia Service Bill was brought in and read a first time.

HOUSE OF COMMONS.

Saturday, Nov. 13.

Report from the Committee of Supply.] Mr. Lushington reported from the Committee of the whole House, to whom it was referred to consider further of the Supply granted to his Majesty, the Resolution which they had directed him to report to the House; and the same was read, and agreed to by the House; and is as followeth:

Resolved, That a sum, not exceeding 10,500,000*l.* be granted to his Majesty, for paying off and discharging the Exchequer bills made out by virtue of two Acts of the 53rd year of his present Majesty, the one for raising the sum of 10,500,000*l* by Exchequer bills, for the service of Great Britain, for the year 1813; and the other for raising the sum of 5,670,700*l*. by exchequer bills, for the service of Great Britain, for the year 1813, outstanding and unprovided for.

Report from the Committee of Ways and Means.] Mr. Lushington reported from the Committee of Ways and Means, the Resolutions which they had directed him to report to the House; and the same were read, and agreed to by the House, and are as followeth:

1. That, towards raising the Supply granted to his Majesty, the duties upon malt, which, by an Act of the 52d year of his present Majesty, have continuance to the 24th of June 1814, be further continued and charged upon all malt which shall be made within Great Britain, from the 23d of June 1814 to the 24th of June 1815.

2. That, towards raising the Supply granted to his Majesty, the sum of 4*s*. in the pound, and no more, be raised within the space of one year, from the 25th of March, 1814, upon pensions, offices, and personal estates in that part of Great Britain called England, Wales, and the town of Berwick-upon-Tweed.

3. That, towards raising the Supply granted to his Majesty, the several duties imposed on sugar, by three Acts made in the 27th, 34th, and 37th years of his present Majesty; on malt, by an Act made in the 27th year of his said Majesty; and the duties of excise on tobacco and snuff, by an Act made in the 29th year of his said Majesty, which, by an Act made in the 53d year of his said Majesty, have continuance until the 25th of March 1814, be further continued until the 25th of March 1815.

Ordered, That a Bill be brought in upon the said Resolutions; and that Mr. Lushington, Mr. Chancellor of the Exchequer, Mr. Brogden, Mr. Berkeley Paget, Mr. Attorney General, Mr. Wharton, and Mr. Arbuthnot, do prepare and bring it in.

HOUSE OF LORDS.

Monday, November 15.

Insolvent Debtors.] Lord *Holland* said, he held in his hand a Petition from certain insolvent debtors confined in the Fleet-prison, which he would present for the purpose of being laid on their lordships' table. He was not disposed, just now, to give any pledge that he should hereafter make any motion upon the subject; for, in the absence of a noble and learned lord (Redesdale), who had been instrumental in promoting the present general Insolvent Debtors' Act, it would not be fair to enter into a discussion respecting the provisions of that measure. He should therefore abstain from raising any argument at present, but wait the noble and learned lord's explanation. He had only to observe, that the allegations contained in the Petition were, that a Bill for the Relief of Insolvent Debtors had passed the two Houses of the legislature, and had received the royal assent in July, and yet no person was appointed as judge to carry that Act into execution until the month of September. In addition to this disappointment of their expectations, such was the difficulty of extending its operations, that no one could receive its benefits until the 26th of the present month. The petitioners stated these facts in proper and respectful language; and, without saying more at present, he should move, that this Petition do lie upon their lordships' table, with a view that, as soon as the noble and learned lord's presence would admit, their case should be taken under consideration.

The *Lord Chancellor* did not rise to offer the slightest opposition to the Petition being laid upon the table, nor to incite any discussion which might relate to the provisions of the measure alluded to, in the absence of his noble and learned friend; but he thought it his duty to notice some observations which had not long ago been made in some of the public papers. It was stated, that although by this Insolvent Debtors' Act so much difficulty was found in creating a court capable of carrying its provisions into execution, yet at the time it passed that House, there was not one of the law lords who had not given his consent to the measure. For himself, he must entreat the liberty of saying, that much as he wished any measure like the Act he alluded to, to be successful, he for one foresaw, and it must be recollected by those who heard him at the time, he did express his opinion, that what he considered the machinery of the Bill was not adequate to the purpose of carrying it into complete execution. Such was his view of the measure before it went to another place (the House of Commons); but when it came back without those clauses which were left to those who were the proper persons to insert them, he no longer doubted of the great difficulty which would arise; and he then declared that it was his opinion it could not be carried into effect. Let it not be misunderstood, that he was an enemy to this or any other general measure which could be framed for the purpose intended; he should be extremely glad if such a system could be adopted, without the obstacles which impeded the execution of this Act. He thought it also his duty to say, in justice to the gentleman who was now appointed to the office of commissioner, that no blame could attach to the discharge of his duty since he was appointed; and no one could have done more to accelerate the relief of those for whose liberation it was provided.

Lord *Holland* trusted, that the allegations of the petitioners would not be misunderstood; they imputed no blame to any one; but merely mentioned the fact, that the Act had passed in July; that no appointment was made till September; and that such was the delay, that no benefit had yet been extended to these unfortunate individuals.

Viscount *Sidmouth* rose, for the purpose of making a few observations, in consequence of what had just fallen from the noble lord. He trusted that, even in the absence of the noble and learned lord (Redesdale), he should be excused from making a few remarks as to the delay which had been represented. After the Insolvent Debtors' Bill passed into a law, he had been applied to upon the subject, and blame had been unjustly imputed to his conduct upon the occasion. Indeed, with respect to such imputed blame, it would be for him to learn that the discharge of any duty, under that act of parliament, belonged to the office to which he had the honour to be appointed. But such was his fervent desire to make himself useful, where an act of beneficence was to be performed, that he should always consider it his duty to step forward in the cause of public good, especially where the comforts and liberation of thousands of individuals constituted the object of his exertions. On such occasions, he should never consider whether the line of duty was confined within the precincts of his own office, or within those of another. It was during an absence of a few weeks, by the indulgence of the Prince Regent, that he was presented with two petitions from Insolvent Debtors, complaining to the Prince Regent of the delay which they conceived had arisen in carrying this Act into execution. After paying the desired attention to these petitions, he did of his own accord immediately write to his noble friend at the head of the Treasury (the earl of Liverpool), informing him, that in consequence of a defect in the provisions of the Act, which did not grant a salary to the person to be appointed commissioner, its execution had been delayed, to the injury of all those who had entertained expectations of relief. He requested that under these circumstances, for the benefit of these unfortunate persons, his noble friend would take upon himself the responsibility of discharging whatever might be the salary considered appropriate to the office of commissioner. His noble friend, with the utmost readiness, adopted this suggestion, and this obstacle as to the salary was immediately removed. In the mean time the noble and learned lord on the woolsack, who could vouch for the conduct already mentioned, and who had not been backward in using every endeavour to expedite the execution of this statute, after consulting with another noble and learned friend of his, presiding in the King's-bench, proposed the office to the consideration of two individuals of the highest eminence; but, after having considered the nature of the jurisdiction which would be entrusted to them, they had both successively begged leave to decline the situation. So far he must appeal to their lordships, that no blame could be attached to him or any part of the executive government; nor had any delay been occasioned, which, by the utmost attention, could possibly be avoided. Some time afterwards, when another noble and learned lord (as we understood, lord Redesdale) communicated from the country, that Mr. Serjeant Palmer might be appointed, and requested that he (lord S.) would, as speedily as possible, procure his appointment from the Prince Regent; he, in consequence, for the first time in his life, had an immediate interview with that gentleman, and in two hours the proposition was laid before his Royal Highness, and Mr. Serjeant Palmer was appointed the following day. Since that period, he had had frequent interviews with this learned gentleman; and he soon understood, that with respect to the notice necessary to be given in the Gazette, such would be the number in one week, that they would swell that publication beyond all bounds fit for its general circulation. To remove any delay on account of this inconvenience, he had given directions that a Supplementary Gazette should be published on Tuesdays and Saturdays, and a Supernumerary one on Thursdays, so long as it should be necessary so to do for the prevention of delay in carrying the Act into execution. He had also taken care that the price, by omitting the usual stamp, should be as low as possible, and thus the circulation of such voluminous publications might not be frustrated. He considered that no blame could be, throughout, imputed to any part of the executive government; he had done every thing in his power, without considering whether it came within the province of his official capacity, which he should always hold it his duty to do upon occasions like this; as he most sincerely felt for the miseries of those who justly expected they would have been relieved from their severe misfortunes long before the present period. He was also satisfied that no fault was to be imputed to the learned gentleman who now filled the office of commissioner; for he had witnessed his unremitting endeavours to lose no time in extending the relief of this Act to those who had so ardently contemplated the benefit. The noble viscount concluded, by expressing his hope that no exertion would be wanting, where all must feel for the misery which must have been experienced from disappointed expectation, and that every difficulty would speedily be surmounted.

Lord *Holland* again thought it his duty to say a few words, in justice to himself and the petitioners. With respect to himself, he should have been the last man in the world, directly or indirectly, to impute it to the noble viscount, that he wanted diligence or attention in the discharge of any duty which might belong to his official situation. He never heard till now that any blame of that nature had been imputed to him; at the same time, he gave him full credit for all the conduct and motives which he had just now candidly explained to the House. For the petitioners he must also say, that there was not the smallest imputation cast upon any quarter; but the petition simply stated the fact of the delay between the passing of the law and the appointment of the commissioner. They had caused this petition to be placed in his hands; and, in consequence of a noble and learned lord's absence, he had been disposed to wait the opportunity of his speedily being in that House, when the nature and provisions of the Bill would with more propriety have come under their consideration. Such, however, was the natural feeling of those who were suffering under a most severe misfortune, that he thought it his duty immediately to present the petition, in order that the subject of its prayer might not be delayed one moment from occupying, as he conceived it ought to do, their lordships' most serious attention.—Though he was not inclined at present to draw on any discussion of the Act itself, or to impute blame to the executive government, yet he considered that the petitioners had a just right to complain; for an act of parliament had passed, and they justly called for its being put into execution. The legislature had pledged itself by that Act, that the relief they expected should be extended to them; and if there were any obstacles and impediments which prevented the execution, parliament were now sitting, and they ought to proceed immediately to their removal.

Lord *Ellenborough* adverted to the observation which had stated that the assent of all the law lords had been given to the principles and provisions of this act of parliament. Although he could have wished most sincerely that the law could have been rendered practicable and expedient, he was one of those who had invariably said that this measure would never answer the expectations of those who supported it; and although he was willing to give way, for the purpose of letting the experiment be tried, yet the present difficulties he had foreseen; and he could assure their lordships, that the measure had not in any other way his assent, either expressed or implied. There was one part of the Act which related to the creation of a Court of Appeal; and he would say of it, that expressions never predicated more confusion and incomprehensibility. It was impossible to say, from the structure of the words, whether one or three judges of a court were intended. Besides this, there was no power whatever given to this court; and it was impossible, according to the opinion of all the learned judges, that this Act could be carried into execution. There was no time or mode of this Court of Appeal conducting its jurisdiction, if it had any; and the same confusion attended the provisions of that under a commissioner. There were not only seeds of death dispersed through the body of the Act, but, in his judgment, it had been still-born. It was impossible, in his opinion, that it could be carried into execution, and no man more than himself felt for the situation of those who had suffered all the bitterness of baffled hopes and expectations; and so far did he think the legislature pledged, that he would recommend that an Act of a temporary nature, either suspending or repealing the present, should, without delay, be passed before the Christmas holidays; so that these individuals might as speedily as possible be liberated from their confinement. There was no prospect whatever of any effect being accomplished under this general Act, which might be taken into consideration afterwards; but he would not disguise his opinion; he was certain it could never be carried into execution. He wished the noble and learned lord (Redesdale) had been present; and he regretted that his duty obliged him to express these sentiments in his absence; but he would be credited for saying, that he should have expressed himself in the same manner, if the noble and learned lord had been in the House. In conclusion, he observed, if his noble friend (lord Holland) or any other would propose a Bill for the immediate relief of those who were now confined, he would lend all the assistance he could for furthering its progress into an act of parliament.

Lord *Holland* conceived himself called upon to answer the last observation of his noble and learned friend. He had ever been a decided enemy to temporary Acts of Insolvency; he considered them most vicious and ruinous experiments, most shamefully resorted to by the legislature, for the purpose of saving that trouble which was required in framing a law of a permanent and useful description. But now, that the legislature had gone so far as to pass the present Act, he would never lend his hand to the repeal or suspension of the measure, nor give his assent to the introduction of a temporary Bill, which was the most unjust and noxious provision that could be adopted by parliament. If, indeed, this permanent Act, however liable to deficiency and the want of immediate improvement, and for which they had so long contended, were to be repealed or suspended, he should despair of their future endeavours to re-establish a measure of the same description. The Act was passed—the legislature were now sitting, and they were bound to amend it so that it might be carried into execution.

Lord *Ellenborough* in explanation said, no man more than himself disliked the principle and injustice of temporary Insolvent Acts; but, in the present instance, he recommended the measure for the relief of those who must otherwise continue a considerable time longer in the midst of their misfortunes.

The *Lord Chancellor* professed himself a decided enemy to temporary Acts; but he trusted the noble lord (Holland) would see, upon the present occasion, that an Act of that nature would be only for the purpose of completing what was intended in the present permanent Act of parliament. He adverted to the mode by which the temporary Acts were carried into execution; and then suggested the immense undertaking of the commissioner, who would have to direct himself what had fallen by those Acts to the attention of all the quarter sessions throughout the kingdom. The Court of Appeal being constituted as it was, how was it possible to carry the present Act into execution? The creditor might appeal, or the debtor might appeal; but there was no authority to decide, and the person must remain in confinement.—He certainly, under all these circumstances, should recommend the interference of a temporary Act, either repealing or suspending the present one, or leaving the person claiming the benefit to take his choice of the statutes for the purpose of obtaining relief.

Lord *Holland* again stated his objection to this mode, upon the grounds he had already mentioned; and observed, that he saw no reason why the Act should not be amended, so far as was necessary to carry it into execution. In all measures of a novel kind, it was natural to find unforeseen difficulties; but these might be surmounted, and he should suggest that the Act should be submitted to the consideration of the learned judges, who were best able to point out the amendments necessary; and then the legislature could have no objection to amend it accordingly.

The Petition was ordered to lie on the table.

HOUSE OF COMMONS.

Monday, November 15.

Miscellaneous Estimates.] The House having resolved itself into a Committee of Supply, on the motion of Mr. Arbuthnot, the following sums were voted for the service of the ensuing year:—41,021*l.* 14*s.*, 24,315*l.* 19*s.* 0½*d.*, and 3,225*l.* 18*s.* for the Civil List Deficiencies; 5,454*l.* 9*s.* 5*d.* for Parliamentary Services; 10,000*l.* for the improvement of the communication between the counties of Edinburgh and Fife, in North Britain; 119,500*l.* for the French emigrants.

Mr. *Whitbread* said, he had been applied to by a Mr. Remouy, a gentleman who was high in office in Toulon when the English were in possession of that place. He had rendered the greatest services to the fleets and armies of this country at Toulon. Among other things, he paid over a great portion of the aids to our government. This individual only received the small pittance of one shilling per day when he first came here. This allowance was afterwards raised to 100*l.* per annum, at which sum it still remained. Applications were made in his behalf to the Treasury by sir David Dundas and lord Nelson, who both had the highest opinion of his services, and his claims on this government for an augmentation of this sum; and the matter was referred to a Mr. Howard, who gave an opinion against the increase. Sir David Dundas afterwards gave in another representation, which was equally unsuccessful; and applications have been fruitlessly made to the Treasury every year since. Mr. Remouy bore the most irreproachable character; he was 74 years of age, and his wife 68; and at an age when the comforts of life were more especially wanted, he was not in the receipt of an allowance equal to the mere necessaries. An opinion had gone abroad among the public, that the distribution of the money voted to the emigrants was not made with sufficient care; probably, from those to whom it is entrusted being occupied with more important objects. Certainly there could not be among the emigrants a man more deserving of notice than M. Remouy. He had told that gentleman, when he mentioned his case, that if the representations of sir David Dundas and general O'Hara failed, he (Mr. W.) had but little chance of succeeding; though it was but justice to state, that all applications made to the Treasury uniformly met with the utmost attention. He merely wished now to call the attention of his Majesty's government to the case of this deserving individual.

The *Chancellor of the Exchequer* remembered more of the name than of the circumstances of the case. The matter had been referred to Mr. Howard, and the augmentation refused on the opinion delivered by that gentleman. The emigrants came into this country under various circumstances; and were the allowances to be regulated anew, a very different distribution would probably be made; for some who came first over were treated with a liberality that, if extended to all, would have entailed a very heavy burden on us and our posterity.

Mr. *Whitbread* thought if any exception could be made in favour of any individual, it ought in the case of Mr. Remouy.

The following sums were then voted:

8,000*l.* for the St. Domingo sufferers.

3,500*l.* for the Dutch emigrants.

11,500*l.* for the Toulonese and Corsican emigrants.

19,000*l.* for the relief of American loyalists.

4,000*l.* for the Goree emigrants.

3,250*l.* for the relief of the French emigrants in Jersey and Guernsey.

5,000,000*l.* to pay off Exchequer bills issued in terms of the Act of the 53d of the King.

Mr. *Baring* wished to know why no statement was submitted to parliament of the sums expended on the new Custom-house?

The *Chancellor of the Exchequer* said, no application was made to parliament for sums for the improvements at the Custom-house, and consequently no statements were laid before the House.

Mr. *Baring* said, the outlays were made from the customs, and consequently from the public revenue of the country. So important an article of expenditure ought to have the sanction of the House in some way or other.

Mr. *Arbuthnot* said, whether the practice was good or bad, it was one which had always been followed.

The *Chancellor of the Exchequer* said, one great reason for making this outlay without waiting for the sanction of parliament was, to prevent the public service being impeded.

Mr. *Whitbread* said, the expence of the improvements at the Custom-house was defrayed out of the public revenues of the country, over which parliament certainly had a right of control. The dilapidated state of the Custom-house having been known for many years, it was rather singular that no plan and estimate should be submitted to the House. A great many things of this nature had formerly been done, without the consent or control of parliament; for instance, barracks were at one time built without any communication to that House. It was said, that parliament had nothing to do with the matter. The House, however, had thought proper to look a little more narrowly into those things of late years. He wished to know if the treasury had taken upon them to do what parliament had not done? If a plan and estimate had been submitted to them? and if it was known what the expence was likely to be?

The *Chancellor of the Exchequer* said, a plan and estimate had been given in—the execution was thrown open to public competition, and fell considerably short of the estimate proposed.

Mr. *Wynne* said, the inconvenience to the public business would be nearly as great, in waiting the decision of the treasury as the decision of parliament.

The House then resumed, and the Report of the Committee was ordered to be received to-morrow.

WAYS AND MEANS—LOAN.] On the motion of the Chancellor of the Exchequer, the House resolved itself into a Committee of Ways and Means.

The *Chancellor of the Exchequer* believed it would not be necessary for him at present to go at any considerable length into the particulars of the Supplies which had been voted, and the sums which were necessary for the carrying on the public business of the country. He should merely observe, that 13 millions had been voted for the naval service; and two issues of Exchequer bills of five millions, and two millions and a half, and that the whole sum voted amounted to about 27 millions. The Ways and Means to meet the public exigencies were only the annual taxes, amounting to about three millions, and the sum to be raised by the loan concluded that morning. Before entering on the particulars of the loan, he would proceed to explain some of the circumstances connected with it. He believed it was unusual for a loan to be contracted before a former loan had been altogether paid up. In the month of June last, when the loan took place for the service of 1813, it had been stated, that government did not consider themselves precluded from resorting to any other measure of a similar nature, which the public service in the course of the year, might render it necessary to adopt. It had been said, however, to the contractors, that it was believed such sums had been granted by parliament as would in all probability be adequate to the exigencies of the public service. Some time before the meeting of parliament, it became obvious to his Majesty's ministers, that it would be necessary to apply to parliament for a farther supply; not only from the additional expences of the public service, but also from others not in contemplation at the time of the former loan. The Exchequer bills had been issued on as favourable terms as could have been expected; but certain circumstances, favourable to the public credit of the country, rendered it not advisable that the market should be stocked with them to any great amount. Persons holding Exchequer bills were desirous of disposing of them for the sake of laying out the produce in the public funds. Under these circumstances, it was thought necessary, that the loan should be greater than what the circumstances of the public service rendered absolutely necessary. A loan, to the amount of 10 or 11 millions, would have enabled government to carry on the business of the country till the usual period of application to parliament. But, by way of relieving the Exchequer market, his Majesty's ministers found it the general opinion, that it would be better to combine two operations at once, and to raise such a sum of money at present, as would render it unnecessary for some months to come before parliament, and to issue any additional Exchequer bills. The loan, therefore, amounted to the sum of 22 millions. It was considered advisable, under all the circumstances of this case, that a preference should be given to the contractors for the last loan, although they had no right to any such preference, in consequence of an express stipulation in their contract. It was the interest, however, of all parties, with a view to the consequences in the money market, that the last contractors should have a preference. Upon these principles, the transactions of that morning had taken place, and he hoped the bargain would be found extremely advantageous to the public. The amount of the sum to be raised was, as he had already stated, 22 millions. It was agreed, that for every 100*l.* money subscribed, the contributor should be entitled to 110*l.* in the Three per Cents. Instead of the portion in the Long Annuities, as was the case last year, the whole of the remaining sum was taken in the 3 per cent. Consolidated Annuities. Every 100*l.* advanced was, therefore, entitled to 110*l.* in the Reduced, and 67*l.* in the Consolidated Annuities. This, when compared with the terms of the loan of last summer, would be found highly advantageous to the country. The difference in favour of the country was 8*s.* 6*d.* of Long Annuities, and 7*l.* in the three per cent. Consolidated Annuities. In June last a long annuity of 8*s.* 6*d.* per hundred was given. The present bargain, therefore, was more favourable by 1*l.* 18*s.* per cent; so that nearly 2 per cent. less was given to subscribers than in June last. The loan was also in other respects more favourable. The whole amount of the annuity to subscribers in June last, was 5*l.* 10*s.* 6*d.* per cent.; in the present loan it was 5*l.* 6*s.* 2½*d.* The bargain of that day with the contractors, therefore, was concluded at an interest of 5*l.* 6*s.* 2*d.* In other respects the loan was not less favourable. The estimated profits of last loan amounted to 4 per cent.; the estimated profits that morning were not more than 3*l.* 6*s.* per cent. and the discount 5*s.* 6*d.* He had heard in the course of the day, that the premium in the market already amounted to 3½ per cent. He had thus made a bargain which he hoped would be every way acceptable to the House and the country. He might be allowed to mention, by the bye, that the loan of that day took place under very favourable circumstances. Instead of forcing a loan on the monied men, several of the most respectable gentlemen of the city seemed rather anxious to force a loan on the government. The next thing to be considered was, the charge on the country, created by this loan. There was allotted to it a sinking fund of 1½ per cent. in the manner pointed out by the Act of last year. So that in this year, without laying any additional burden on the public, it would be possible to comply with that Act, and lay the foundation for the redemption of the debt created, in a manner highly advantageous to the public.

Stock created in the 3 per	£.
cent. Reduced....................	24,200,000
In the Consolidated............	14,740,000
Making together......	38,940,000

The interest amounted to......	1,168,200
Sinking Fund.....................	584,100
Charges of management......	11,682
Total annual charge	1,763,982

The interest paid on the last loan was, as had been stated, 5*l.* 10*s.* 6*d.* per cent.; the interest on the loan of the year preceding the last also exceeded that of the present loan, which in point of terms was more satisfactory than any since the year 1811. Before he sat down, he had great satisfaction in being able to state to the House, that the revenue of the last quarter had experienced a considerable increase —that quarter exceeded by 1,900,000*l.* the revenue of the corresponding quarter of the preceding year.

Several of the Resolutions resulting from the statements in the right hon. gentleman's speech, being put, were agreed to.

Mr. *Whitbread*, in the course of putting them, asked if the effect of this system would not be, to take the whole sum required out of the sinking fund already created; and thus to diminish it to the extent of the sum required for the present exigencies of the country?

The *Chancellor of the Exchequer* agreed, that the measure must, in the first place, have this effect; but that the original sinking fund would not thereby be ultimately impaired.

The other Resolutions were then put and agreed to, and the Report was ordered to be received to-morrow.

MILITIA VOLUNTEERING BILL.] Lord Castlereagh having moved that the House do resolve into a committee on the Militia Volunteering Bill,

Mr. *Whitshed Keene* rose and said:— Though I feel a scruple in detaining the House from going into a committee on this important measure, yet I must request their indulgence to submit some of the considerations which press strongly on my mind on the subject. This is the third great measure of the same tendency, which it has been the noble lord's lot, in the discharge of his official duty, to submit to this House. The first, the establishment of the local militia; a measure of which this House and this country felt the necessity at the time it was introduced. That noble body of men, the volunteers of Great Britain, nearly the whole male population of our country, started into arms on the appearance of imminent danger of invasion. A spectacle admired by Europe, and a proof of what a free country, sensible of the blessings it enjoys, will do when contented under the administration of its government. The effect at the time was most important, as it put an end to any expectation of success from the attempts of the enemy, and to apprehensions at home. But, Sir, this vast body of men (not less than 400,000), when the danger no longer threatened, gradually fell off to an inconsiderable number. It could not be otherwise, as it was composed of men, principally, who being employed in different occupations, by which they served themselves and their country, could not remain permanently in that attitude. It was at the same time obvious that Holland and Flanders, with their sea ports, being in the possession of the Ruler of France, and he having also the command of the population of many states of Germany, it was necessary for the safety of our country to have a much larger body of men trained to arms, and ready for the call of their country, than even that meritorious body of the regular militia joined to the troops of the line, which might remain in the country. Sir, it has been often said, that good comes sometimes from evil. It appears to me that the unfortunate state of Europe alone could have brought forward and reconciled this country to this great measure of the local militia, by which 400,000 men are engaged for a certain time, and great part of them trained to arms, and by which, in the course of a few years, the whole population of the country fit to bear arms will be equally trained. This is a measure which could be adopted in Great Britain alone. It is perhaps the only country in Europe where arms could be put almost indiscriminately into the hands of its inhabitants. At the same time that it does infinite honour to its people, it puts an end to the bugbear of an invasion which France has so often held out; and what is of more consequence, while it makes the attempt improbable, makes the success impossible. The value of this measure does not rest here; such a mode of strengthening our defence most materially increases our power of offence; as our country will now be safe in the hands of the local and regular militia, and the troops of the line may be employed out of it. It is well known, that often the most efficient defensive measures consist in active aggression. The constitution and interests of Great Britain avow and authorize active aggression under no other circumstances. Peace is her element; she seeks not to disturb the tranquillity, or invade the possessions of other countries, and unsheathes her sword only to vindicate her insulted honour, or repel aggressions; her interests are best promoted by the tranquillity and prosperity of other states. That, however, when reduced to war, the most important effects may result from a judicious employment of British troops in active aggression under proper circumstances, is most satisfactorily demonstrated by what has passed and is now passing on the peninsula. We have seen a body of British troops (a handful compared to the armies in the north of Europe, or the French in the peninsula, not less than 200,000 men) under the genius of our illustrious soldier there, supported by the valour of the officers, and that small body of men drive the enemy out of Portugal; and by a series of brilliant achievements, wherein the whole science of war was called into action, drive that enemy, with the assistance of the troops of Spain and Portugal, whose patriotic valour his genius had conciliated and organized, out of five-sixths of the country at one time in their possession. Lord Wellington, instead of being cooped in his lines at Torres Vedras, is at this moment acting with a mighty united force within the territories of France. The next great measure carried through by the noble lord was, the interchange of militia with our sister kingdom. This, while it adds so importantly to their mutual safety by the power of increasing the force in either, as circumstances might require, goes much farther. Great as this advantage is, it is inconsiderable, compared to what may be naturally expected from this intermixture of the inhabitants of the two islands, and the union of habits the consequence of such friendly interests. There is no magic in the act of parliament which in ten years could ripen the countries into a real union of heads, hands, and hearts, so much as this measure will probably do in one quarter of that time. Nor does the advantage of it rest there; it must prove highly economical. It is obvious, that the amount of our peace establishment must be regulated by the state of the power of France at the time peace may be concluded. Whatever would have been the amount of that establishment, if these measures had not been adopted, may, with them, be reduced considerably. It remained still as a measure of peace, which is best preserved by the prompt force which it can send forth, to establish such a system as might with the least delay and expence afford powerful means to repel and avenge insults on her honour and interests. With this view the noble lord has brought forward this great measure. In the introduction of it he has with much eloquence and sound judgment anticipated and obviated objections, which from a mistaken view (as I think) of the constitution, might have been made to its being supported by this House. The provident mind of those illustrious patriots, who introduced the militia system, accompanied it with such provisions as were in the then state of Europe adequate to the purposes of this country. On the same principle, they would have extended in the present state of Europe, the provisions to the degree now proposed. As the noble lord did not in the first stage of the measure enter into its results, may I be permitted to submit some of the most prominent which press themselves on my mind. Melancholy experience has proved the disadvantages our country labours under at the commencement of all those wars into which we have for more than a century been compelled to enter, for the vindication of our honour or interests. During the present dreadful revolutionary war, may it not be fairly presumed, that, had the measure now proposed existed, that torrent of devastation might have been confined? Is there not good reason to believe that if 25,000 men could have been sent to Toulon during the five months it was in our possession, it might have been kept, and the subsequent extension of the Revolution materially checked? While the war in the Vendee raged, could we have sent 25,000 men to occupy a post on that coast, a communication would have been preserved with those distinguished men who were sacrificing their lives and their homes in defence of their religion and laws; and the event must have, been according to human reasoning, very different. When that inadequate attempt was made at Quiberon, could it have been supported by such a body of British troops, the catastrophe could not have ensued, and consequences most important might have taken place. Gentlemen may differ from the speculations I have presumed to offer on the mode in which those troops might have been employed, but they cannot differ as to the vital importance of having such an additional force with promptitude when this country is forced into war. Hitherto, on the breaking out of war, the government, from the unarmed state of the country, has been obliged to give rank for raising men, to the great detriment of the army. This mode has been attended with enormous expence both to the public and to individuals, and produces only raw undisciplined men, who require much training before they are fit for service; they have been got together by all the scandalous arts of contending crimps, and are as deficient in quality as they are in the business and habits of soldiers. The mode now proposed by the noble lord will give the country such a body of trained men, equal in every respect to those of the line (except not having been employed on actual service), in a few weeks, as could not be got together and rendered equally efficient in as many half years. There are many other important advantages to be expected from it; but I will not further delay the House at present by entering into them, and shall only add that I consider the noble lord's proposed measure, when completed, as a mighty engine of a hundred horse power, in the arsenal of our country, ready to be drawn into operation when its defence may require it, and will thereby preserve it from insults.

Mr. *C. W. Wynne* asked, if any delay was to take place after the Bill had gone through the committee, for the purpose of discussing the principle of the measure; as much would depend upon the detail.

Lord *Castlereagh* saw no occasion for any delay. The House would be best able to judge of the course it ought to adopt, after the Bill came out of the committee. He thought the matter so simple, that no difference of opinion could exist, so as to require a reconsideration of the measure in detail. If so, however, any minor parts would be open to consideration in a future stage; and the measure would be better appropriated, and equally open to remark, after the committee, than it was now.

Mr. *C. W. Wynne* said, he considered, as every gentleman, he presumed, must do, the present measure to be utterly subversive of the first principle of the militia force, intended as it was for the internal defence of the country. He did not, however, say, that this was to be weighed against the advantages which were likely to result to this country, and to the world at large, from the adoption of this measure at the present moment. If any man, no doubt, were to look to the object which the country had in view in the year 1756, from the formation of the militia force, and to compare it with the present measure, he must feel astonished at perceiving how essentially it was altered. At first, the militia force was similar to our volunteer force, and afterwards to our local militia. The persons who were liable to serve in it were not to be taken for any length of time from their usual occupations, unless on urgent occasions; and the only ground for callling out that force was, the country being in imminent danger of invasion; when, alone, it was to be embodied. The practice of requiring landed qualifications from officers was now almost entirely superseded; there being, in most instances, more officers who were unqualified than who were qualified. The local militia now was as the old militia was then. This objectional service was not in contemplation when the men entered into it; but at the same time he (Mr. Wynne) did not conceive it to be so objectionable as to counterbalance the advantages to be derived from it. The measure had his hearty support, and should have it, even if it went to entitle the country to avail itself of the services of the militia to the whole extent. He had some observations, however, to submit on the two parts of the plan; considering, as he did, that the two methods would compete the one against the other. There would be a hardship on the lieutenants in the regular army, in having so great a number of captains from the militia placed in the army with superior rank to them; but the advantage likely to result from this arrangement was so great, that, on the whole, he could not see why their feelings ought not to be sacrificed in this respect to the public advantage. The part to which he felt the strongest objection, was that which regarded the provisional battalions, where an interest and a feeling was given to the men in support of the one plan, and to the officers in support of the other plan; so that a canvassing, as it were, might be expected to take place between the one species of service and the other; and he should not be surprised, the advantage to the officer was so great in the one way more than in the other, that an additional bounty were offered by the officers to the men, to induce them to extend their services into the regular army. On the other hand, where the militia officers were anxious to form provisional battalions, he was afraid the present measure furnished them with inducements to lay temptations in the way of the men to withhold the more extended line of service. He was also afraid, that officers serving in those provisional battalions might lose their influence in the counties to which they belonged; and, to field officers belonging to the militia, most of whom were men of large fortunes, the offer of half-pay would be a very inadequate bait; a better and more effectual inducement to such men, he thought, would be the holding out some honorary mark of distinction. These were his ideas on the subject. He was afraid of the two plans clashing with each other.

Lord *Castlereagh* agreed, that the hon. gentleman had stated the case fairly, though he presumed to think he had gone into it more in detail than was at present necessary. He begged, however, to say a few words in answer to what had fallen from the hon. gentleman, who seemed to think that it would have been better had he confined his measure to one of the two plans, instead of extending it to both. He (lord Castlereagh), however, considered the second part of the plan as auxiliary to the former part, rather than otherwise. He believed the hon. gentleman had over-estimated the influence of the officers over the men. Those who knew the militiamen in general, best knew that they were not above a certain measure influenced by the advice of their officers. He did not see how it could have been possible, preserving due regard for the feelings of the officers in the army, to have introduced among them officers from the militia, with higher rank than that of captain; and the bounty already given to enlist from the militia into the army was so nearly equal to that now proposed, that he was afraid the present measure would be ineffectual, without some supplemental or extraordinary inducements, such as those now held out. If he had not held out the different species of inducements proposed by the present measure, he could not assure himself that he should be able to raise the force he expected.—He felt disposed to keep the bounties low, particularly as it was necessary to preserve a distinction between the bounties for the army and militia; but on the other hand, there were advantages attached to the militia, of which if the men now in that force were to be deprived by extending their service, he could not expect that they would be prevailed on to do so. This, in a peculiar manner, applied to the militia of Ireland and Scotland; many of whom were married men, and who would lose the provisions at present enjoyed by their wives and families were they to enter into the army. It had been much discussed, whether it might not be expedient to allow militia-men to volunteer into the line, still preserving for their wives and families the peculiar advantages which, as militiamen, they at present enjoyed; but, on due consideration, it was deemed that it would not be advantageous to introduce into the line a species of force different from the line itself with so marked a distinction in its favour. On this account it was deemed infinitely more advantageous to establish provisional battalions.

With regard to the anomaly of those battalions being officered by persons appointed in some cases by the crown, and in others by the lord lieutenants of counties, he admitted the statement to be correct, but at the same time contended that no ill effects resulted from such an arrangement. The practice, though anomalous, was not novel. It had existed in the Irish militia, who, when they were brigaded, served under field officers of the line, while all the militia commissions were appointed as usual: and certainly they contributed as efficient battalions as any in the service. He hoped, therefore, that the anomaly, though inherent in the measure, would not be found in its practical details. If only one of the alternatives were to be resorted to, and remembering which alternative would necessarily prevail, he felt satisfied that the measure would not produce all those beneficial results which the Bill was framed with a view and confident expectation of producing. It would certainly fail in obtaining such a number of men as was desired. The only thing, he apprehended, which they had to guard against was, the exciting competition in the militia, which might be injurious to the regular army; and with that view he intended, when the Bill was in the committee, to propose an alteration in the rate of bounty, from what he had suggested on a former night.

The House then resolved into the Committee.

Upon the clause being read, which empowered his Majesty to accept the services of three-fourths of any militia regiment,

Mr. *C. Wynne* rose to suggest an alteration. He thought, when it was considered that different regiments might have different feelings upon the subject of volunteering, that in some regiments more than three-fourths, while in others much less than that number, might offer their services, the consequence would probably be, that the aggregate number would not amount to three-fourths of the whole militia of the country. In that case, the force would be less than was wanted, and the measure would fail in producing its full effect. He therefore thought it would be better to enlarge the proportion that might be permitted to volunteer from each regiment.

Lord *Castlereagh* said, that any alteration, such as proposed by the hon. member, would tend to destroy the militia itself; a probability which, if it existed, would alone have discouraged him (lord C.) from proposing or prosecuting his measure. His object certainly was, not to destroy, but to keep alive, the militia system; and in securing that object, there was no fear of impairing the effective strength of the army. It was to be remembered, that there were in every militia regiment a certain proportion of men who were not fit to go on foreign service; and he felt quite certain also, that there were some officers who, from obvious reasons, would not be inclined to volunteer. It was his wish, therefore, to consult at once the fair freedom of the service, and the preservation of the militia, which he believed to be interwoven with the fundamental securities of the country. As the clause originally stood, it left an alternative, between three-fourths of the militia of a county, or of a single regiment; but he had now struck out that alternative, and confined the proportion only to single regiments.

Mr. *Wynne* suggested, that a proportion of four-fifths of each regiment would be more likely to render the clause as effective as possible.

The words "militia of any county, riding, &c." were then omitted, and the following substituted: "not exceeding in any case three-fourths of the number actually serving in any regiment, battalion, or corps."

The next material alteration in the Bill related to the rate of bounty. Lord Castlereagh proposed, that the clause should be altered so as to allow only eight guineas, instead of ten, to those who volunteered for European service, and retaining all their privileges as militiamen. The proportion between the different descriptions of service, according to his original view of the bounties, he felt aware was not sufficient; this reduction would render that proportion more conformable to what it should be, though he doubted whether even eight guineas for the first description of service might not be found too high. He was quite satisfied, however, that more than eight ought not to be given; and in filling up the blank with that sum, it was not intended that it should be mandatory on the part of government to give so much; only to provide, that in no case should that sum be exceeded.

On the clause which related to the number of the militia that were to be permitted to volunteer,

Lord *Castlereagh* observed, that many hon. members seemed to be of opinion, that the proposed measure was not sufficiently extensive. He was anxious to state the reasons by which he had been induced not to push it further at the present moment. On referring to the amount of men now owing from the militia to the line, it would appear that the number was 8,767. This deficiency chiefly existed in Ireland; in which country, in consequence of the number of married men that were in the militia, and of other circumstances, the impediments to carrying into effect the volunteering from the militia into the line were greater than in Great Britain. The ground on which he conceived it not expedient to push the present measure further than by filling up the blanks of the Bill with 30,000 men, 28,750 being the amount of the double quota, and arrears (besides the officers and non-commissioned officers), was, that it was not desirable to do so until there was reason to believe that a greater force could be advantageously used. Unless this were previously ascertained, it would be unnecessary to put the country to an expence larger than that which our view of military policy seemed to demand. Not foreseeing such a necessity, it did not appear to him advisable to recommend parliament to allow a greater scope to the impulse of the militia to volunteer for foreign service. The assistance which the number to which it was proposed to limit the Bill before the committee would afford, would be most powerful. On a recent occasion he had stated its probable amount; namely, after covering the waste of the ensuing year, about 15 or 20,000 men. He meant that, supposing the waste of the British army not to exceed in the ensuing campaign that which it had been in the present, we should close at the end of the campaign with 15 or 20,000 men more than we now possessed. He was also the less induced to push the measure further at present, by the consideration that the Bill would not prevent the operation in the year 1814 of the existing transfer from the militia to the line. He would therefore move to fill up the blank in the Bill with the number "30,000."

After a few words from Mr. Wynne the motion was agreed to.

On the motion for agreeing to the preamble,

Mr. *Whitbread* begged to move as an amendment the introduction of a passage, to which, considering the observations made by the noble lord opposite on a recent occasion, he dared to say that there would be no objection. It was to state, that the object of the measure was, "to bring the contest in which we were engaged to a speedy and happy conclusion, and to obtain the blessings of peace."

Lord *Castlereagh* admitted, that he had said that which was the conviction of his mind; namely, that peace was the only legitimate and justifiable object of all war. But he should certainly object to the introduction of the particular words moved for by the hon. gentleman, because that would imply that the other measures of parliament had not been adopted in the same spirit. It was to protect parliament from such an imputation, that he must decline acceding to the amendment of the hon. gentleman.

Mr. *Whitbread* said, that he would not press his amendment at present; but that on the report he would move it, in order that, should if it were rejected by the House, it might be entered on the Journals. He had abstained from commenting on the measure itself (however objectionable on constitutional grounds), for reasons which he had before stated; but he did conceive it to be highly important, at a period like this, when in France addresses had been presented to the ruling power, praying that the war might be brought to a speedy conclusion; and when in England, on the contrary, in unofficial papers, means were resorted to to inflame the people; that parliament, on adopting a measure such as that before the committee, should distinctly declare, that they were influenced solely by a wish to bring the contest to a speedy and happy termination. So thinking, he repeated, that on the motion for receiving the report he should again propose his amendment.

The House was then resumed, and the report was ordered to be received tomorrow.

HOUSE OF COMMONS.

Friday, Nov. 16.

GALWAY RIGHT OF ELECTION—PETITION OF MR. JOYCE, &c.] Mr. Serjeant Onslow presented a Petition of John Joyce, of Galway, banker and freeholder, John French Madden, of Galway, freeholder, John Moore, of Galway, merchant, freeman, and freeholder, Thomas Blakeny, of Galway, freeman, on behalf of themselves and others, being persons entitled to vote in the election of a member to serve in parliament for the said town and county of the said town, setting forth,

"That, on the 15th day of June last, the select committee appointed to try and determine the merits of the Petition of Valentine Blake, of Menlo, in the county of the town of Galway, esq. and of the Petition of John Joyce, Patrick M. Lynch, John Lynch, Alexander Nicholas Browne, James Finn, and John French Madden, complaining of an undue election and return for the said town, reported to the House, that it appeared to the Committee, that the merits of the Petitions did in part depend upon the right of election, and therefore the committee required the counsel for the several parties to deliver to the clerk of the committee statements in writing of the right of election for which they respectively contended; and that, in consequence thereof, the counsel for the petitioner Valentine Blake, esq. and also for the several other petitioners, delivered in a statement as follows: 'That the right of election in and for the town and county of the town of Galway is in the freeholders of the said town and county of the town of Galway, and in the free burgesses and freemen thereof, such freemen having been resident in the said town and county of the town, or the liberties thereof, at the time of their election to their freedom, and also at the time of their voting;' and that the counsel for the sitting member, the hon. Frederick Ponsonby, delivered in a statement as follows: 'That the right of election in and for the town and county of the town of Galway, is in the freeholders of the said town and county of the town of Galway, and in the freemen of the corporation of the said town;' and that, upon the statement delivered in by the counsel for the said several petitioners, the committee had determined that the right of election, as set forth in the said statement, is not the right of election for the town and county of the town of Galway; and that, upon the statement delivered in by the counsel for the sitting member, the committee had determined that the right of election, as set forth in the said statement, is the right of election for the said town and county of the town of Galway; and that the petitioners are advised that the right of election, so determined by the said select committee, is not the right of election for the said borough; and that the petitioners are prepared to prove that no person is entitled to vote in the election of a member to serve in parliament for the said town of Galway, as a free burgess or freeman thereof, who was not *bona fide* a resident in the said town and county of the town, or the liberties thereof, at the time of their election to their freedom of the said town; and that the right of election of a member to serve in parliament in and for the said town of Galway is in the freeholders of the said town and county of the town of Galway, and in the free burgesses and freemen thereof, such freemen having been resident in the said town and county of the town, or liberties thereof, at the time of their election to their freedom; and that the petitioners, therefore, are not satisfied with the resolution of the said select committee, and are desirous of having the benefit of the several statutes in that case made and provided, for the purpose of preventing the judgment of the said select committee from becoming final and conclusive against the interests of the petitioners, which will be materially affected thereby, inasmuch as persons having no right to become freemen of the said town of Galway, or to vote in the election of a member to serve in parliament for the said town of Galway and county of the said town, will, under the resolution of the said select committee, claim to have a right to vote in such election, to the great prejudice of the freeholders of the county of the said town, and of the free burgesses and freemen legally elected, and having a right to vote in such election; and praying the House, that they may be admitted as parties, according to the form of the statutes in such case made and provided, to oppose the right of election, in favour of which the said select committee have so reported, and that the petitioners may have such other relief in the premises as to the House shall seem meet, and the justice and nature of the case may require.

Ordered, That the said Petition be taken into consideration upon Tuesday the 15th day of February next, at three o'clock in the afternoon; and, That Mr. Speaker do issue his warrant or warrants for such persons, papers, and records, as shall be thought necessary by the several parties, on the hearing of the matter of the said Petition.

INSOLVENT DEBTORS BILL.] Mr. *Lockhart* presented a Petition from certain insolvent debtors in the King's-bench, complaining of the delay which had taken place in carrying into effect the Insolvent Act of last session, and in consequence of which delay they had sustained many hardships. The hon. member proceeded to observe, that every motive which had induced the legislature last session to pass the Act in question ought now to induce them to take its deficiencies into immediate consideration. Though he (Mr. Lockhart) was a determined enemy to all Insolvent Acts in their principle, as tending to hold out temptations to practise a variety of frauds which were, indeed, the disgrace of the country; yet, as they had passed an Act for the relief of debtors, they certainly ought to take the necessary steps for rendering that Act as efficient as possible. For that reason, and also because the delays already experienced, as well those which must inevitably attend upon executing the provisions of the Act in question, from the numerous individuals who would claim under it, were really injurious to those persons whose relief the legislature contemplated, he should, unless he saw a disposition to do it in another place, propose on an early day to delegate to the courts of quarter sessions a concurrent jurisdiction for hearing and discharging insolvent cases, leaving the disposal of the debtors' property to the commissioner appointed under the Act.—The Petition was then ordered to lie on the table.

REPORT FROM THE COMMITTEE OF SUPPLY.] Mr. Lushington reported from the committee of the whole House, to whom it was referred to consider further of the supply granted to his Majesty, the Resolutions which they had directed him to report to the House; and the same were read, and agreed to by the House, and are as follow;

1. That a sum, not exceeding 40,021*l.* 14*s.*, be granted to his Majesty, to make good the like sum, which has been issued by his Majesty's orders, pursuant to Addresses of this House, and which has not been made good by parliament.

2. That a sum, not exceeding 24,315*l.* 19*s.* 0½*d.*, be granted to his Majesty, to make good the like sum, which has been issued at the receipt of the Exchequer, out of his Majesty's Civil List revenues, to several persons for public services, not being part of the ordinary expenditure of the Civil List, and which have not been replaced by parliament.

3. That a sum, not exceeding 3,225*l.* 18*s.*, be granted to his Majesty, to make good the like sum, which has been issued at the receipt of the Exchequer, out of his Majesty's Civil List revenues, for defraying the charges heretofore paid out of the proceeds of old naval stores.

4. That a sum, not exceeding 5,454*l.* 9*s.* 5*d.*, be granted to his Majesty, to make good the like sum, which has been applied out of his Majesty's Civil List revenues, for parliamentary services, and services of a public description, and that the said sum be issued and paid without any fee or other deduction whatsoever.

5. That a sum, not exceeding 10,000*l.* be granted to his Majesty, to be advanced to the Bank of Scotland, under the conditions and restrictions mentioned in an Act of the last session of parliament, for further improving the communication between the county of Edinburgh and the county of Fife, by the ferries cross the Frith of Forth, between Leith and Newhaven, in the county of Edinburgh, and Kinghorne and Bruntisland, in the county of Fife, for the year 1814, and that the said sum be issued and paid without any fee or other deduction whatsoever.

6. That a sum, not exceeding 119,500*l.*, be granted to his Majesty, for the relief of the suffering clergy and laity of France, for the year 1814, and that the said sum be issued and paid without any fee or other deduction whatsoever.

7. That a sum, not exceeding 8,000*l.* be granted to his Majesty, for the relief of Saint Domingo sufferers, for the year 1814, and that the said sum be issued and paid without any fee or deduction.

8. That a sum, not exceeding 3,500*l.*, be granted to his Majesty, for the relief of Dutch emigrants, for the year 1814, and that the said sum be issued and paid without any fee or other deduction whatsoever.

9. That a sum, not exceeding 11,500*l.*, be granted to his Majesty, for the relief of Toulonese and Corsican emigrants, for the year 1814, and that the said sum be issued and paid without any fee or other deduction whatsoever.

10. That a sum, not exceeding 19,000*l.*, be granted to his Majesty, for the relief of American loyalists, for the year 1814, and that the said sum be issued and paid without any fee or other deduction whatsoever.

11. That a sum, not exceeding 4,000*l.*, be granted to his Majesty, to pay bills drawn from abroad on account of certain French and Corsican emigrants, for the year 1814, and that the said sum be issued and paid without any fee or other deduction whatsoever.

12. That a sum not exceeding 3,250*l.*, be granted to his Majesty, for the relief of the French emigrants resident in the islands of Jersey and Guernsey, for the year 1814, and that the said sum be issued and paid without any fee or other deduction whatsoever.

13. That a sum, not exceeding five millions, be granted to his Majesty, for paying off and discharging the Exchequer bills made out by virtue of an Act of the 53d year of his present Majesty, for raising the sum of five millions by Exchequer bills, for the service of Great Britain, for the year 1813, outstanding and unprovided for.

REPORT FROM THE COMMITTEE OF WAYS AND MEANS.] Mr. Lushington reported from the committee of the whole House, to whom it was referred to consider further of Ways and Means for raising the Supply granted to his Majesty; the Resolutions which they had directed him to report to the House; and the same were read, and agreed to by the House, and are as follow:

1. That, towards raising the Supply granted to his Majesty, the sum of twenty two millions be raised by annuities.

2. That every contributor to the said sum of twenty-two millions shall, for every 100*l.* contributed and paid, be entitled to the principal sum of 110*l.* in annuities, after the rate of 3*l.* per cent., to commence from the 10th day of October 1813, and to be added to, and made one joint stock with, certain annuities after the rate of 3*l.* per cent., which were reduced from 4*l.* to 3*l.* per cent. by an Act made in the 23d year of the reign of his late Majesty, and to be payable and transferrable at the Bank of England at the same time, and in the same manner, and subject to the like redemption, as the said 3*l.* per cent. Reduced Annuities:

That every such contributor shall also be entitled to the further principal sum of 67*l.* in annuities, after the rate of 3*l.* per cent, to commence from the 5th day of July 1813, and to be added to, and made one joint stock with, the 3*l.* per cent. annuities consolidated by the Acts of the 25th, 28th, 29th, 32d, and 33d years of his late majesty king George the second, and by several subsequent Acts, and to be payable and transferrable at the Bank of England at the same time and in the same manner, and subject to the like redemption, as the said 3*l.* per cent. Consolidated Annuities:

That the said several annuities, so to be payable as aforesaid, shall be charged or chargeable upon, and payable out of, the Consolidated Fund of Great Britain, or any other duties and revenues which shall be appropriated for that purpose by any Act or Acts of this present session of parliament:

That every contributor shall, on or before the 19th day of November, make a deposit of 10*l.* per cent. on such sum as he or she shall choose to subscribe towards raising the said sum of twenty-two millions with the chief cashier or cashiers of the governor and company of the Bank of England, as a security for making the future payments on or before the days or times hereinafter mentioned;—10*l.* per cent. on or before the 10th day of December next; 20*l.* per cent. on or before the 14th day of January 1814; 20*l.* per cent. on or before the 11th day of February next; 10*l.* per cent. on or before the 18th day of March next; 20*l.* per cent. on or before the 15th day of April next; and 10*l.* per cent. on or before the 6th day of May next:

That every contributor who shall pay in the whole of his or her contribution money towards the said sum of twenty-two millions at any time on or before the 14th day of April 1814, shall be allowed an interest, by way of discount, after the rate of 5*l.* per cent. per annum, on the sums so advanced for completing his or her contribution respectively, to be computed from the day of completing the same to the 6th day of May 1814:

That every such contributor shall be at liberty to deliver in to the chief cashier or cashiers of the governor and company of the Bank of England any Exchequer bill or bills bearing date between the 1st day of December 1812 and the 12th day of November 1813, both inclusive, so as the principal sums contained in such bill or bills do not exceed one moiety of the amount of the payment to be made by such contributor; and such bill or bills shall be received at the rate of 100*l.* 5*s.* for each 100*l.* principal money contained in such bill or bills, together with the interest due thereon, computed to and for the day on which the same shall be delivered in, after deducting the duties chargeable thereon under an Act of the 46th year of his present Majesty, for granting duties on profits arising from property, professions, trades, and offices; and such Exchequer bill or bills shall be received by the said cashier or cashiers at the rate aforesaid, and shall, together with the interest thereon, be deemed and taken in part payment of any such contribution as aforesaid:

That all the monies so to be received by the said cashier or cashiers of the said governor and company of the Bank of England shall be paid into the receipt of the Exchequer, to be applied, from time to time, to such services as shall have been voted by this House in this session of parliament.

3. That towards making good the supply granted to his Majesty, there be issued and applied, out of any of the aids or supplies granted for the service of the year 1812 and the year 1813 respectively, such sum or sums of money, not exceeding 11 millions, as the Exchequer bills which shall be delivered into the Bank of England as part of the loan of 22 millions, and which was charged on the said aids or supplies respectively, shall amount unto.

4. That, towards raising the supply granted to his Majesty, the sum of 22,257,400*l.*, 3*l.* per cent. consolidated annuities, standing in the names of the commissioners for the reduction of the National Debt, shall, from and after the 5th day of January 1814, and the sum of 36,542,000*l.* 3*l.* per cent. reduced annuities, standing in the names of the said commissioners, shall, from and after the 5th day of April 1814, be cancelled from those respective days, and the interest which would have been payable thereon shall cease to be issued from the receipt of the Exchequer, or to be charged upon the Consolidated Fund; and the duties and revenues which would have been applicable thereto, shall be deemed part of the said Consolidated Fund, for the purpose of defraying the charge occasioned by the addition made, or to be made, to the public funded debt of Great Britain in the present session of parliament.

Ordered, That Bills be brought in upon the said Resolutions; and that Mr. Lushington, Mr. Chancellor of the Exchequer, Mr. Brogden, Mr. Berkeley Paget, Mr. Attorney General, Mr. Wharton, and Mr. Arbuthnot, do prepare and bring them in.

HOUSE OF COMMONS.

Wednesday, November 17.

NON-RESIDENT CLERGY.] Mr. *Bathurst,* in rising, pursuant to notice, to call the attention of the House to a subject with the merits of which many of those who heard him were well acquainted, expressed his conviction that when the details were known to the House at large, they would not hesitate to apply a remedy to that which appeared to him to be a great evil. About ten years ago an Act was brought into that House by a right hon. and learned gentleman, a doctor of civil law, to remedy the inconveniencies which were felt in many parishes in consequence of the non-residence of the clergy. That Act was certainly calculated to insure a sufficient residence, at the same time that it mentioned a variety of cases exempt from its operation, and left to the bishops the power, under certain circumstances, of increasing by licence the number of those cases. The Act to which he alluded had two principal objects in view, and for the attainment of those objects heavy penalties were attached to the non-observance of its provision. The first of these objects, that indeed which was evidently the main scope of the legislature, was, he repeated, to insure a sufficient residence of the clergy, providing exemptions which branched out into various heads, such as unhealthiness of the situation, impracticability of obtaining a house, &c. &c. but enacting for non-residence, without such exemption, or without licence from the diocesan, a penalty proportioned to the length of absence. But in addition to this chief object of the Act there was a clause which went to regulate the returns of those who availed themselves of the exemptions provided, in order that the bishops should be enabled annually to lay before the privy council a list of such claimants to exemption, which list might be subsequently submitted to parliament. The House would observe, that this last-mentioned clause was of a nature very different from that which he had first described; and that although undoubtedly it was highly advantageous, as giving notoriety to the cases to which it referred, and enabling the legislature to judge of the real state of residence in the respective dioceses, yet that it was a subordinate part of the Act—a matter of regulation merely. It had however happened (as the same penalties were attached to the violation of both clauses of the Act) that this latter clause had served as an excuse for that which he must call an extraordinary and extensive system of persecution. He was sorry to be obliged to state, that an individual (for the affair had originated in a single individual, and a person acting under him) had instituted prosecutions to such an extent, that the penalties, if levied, would amount to no less a sum than 80,000*l.* By much the largest proportion of these prosecutions were founded on the mere omission of the returns. He should proceed to state the circumstances under which the individual to whom he had alluded had been enabled to obtain the information on which he proceeded. That individual had been the registrar in the bishopricks of London, Norwich, and Ely. He had thus not only acquired the means of knowing what had been done, and what had been omitted to be done, by the clergy of those dioceses; but he had possessed the power of preventing, if he chose it, the appearance of those documents which might be a defence against the prosecutions that he had since instituted:—for, in the ordinary course of episcopal business, the particular notifications of the clergy were entrusted to this very individual himself!—The transactions of every diocese were so extensive, that it was impossible for the bishop personally to go through them; and it was not at all improbable that many of the letters of notification, for the non-delivery of which the actions had been brought, had been put into the hands of this identical registrar or secretary, and might by him be supplied or not, at pleasure. In fact, he (Mr. Bathurst) had to state, that he had received many letters from highly respectable individuals, in which they assured him that they had applied first by licence and then by word of mouth, to this person, and that they had been assured their licences would be made out in consequence. In some cases, he had been out of the way, and no satisfactory answer could be obtained; until at length, for some reason into which he would not then enter, this person was removed from his situation on the accession to the see of London of the present bishop. He had subsequently been removed from his office in the other episcopacies, and had since openly avowed (as he Mr. B. understood,) that having done with the bishops he would attack the clergy.—With respect to one large class of clergymen, against whom this person had commenced actions for omitting to send in their notifications, he (Mr. B.) was told (for it was a matter in which he was unable himself to form an opinion) great doubts existed whether or not, under the Act, the prosecutor could recover. It was doubted, whether persons who, being allowed to hold two livings, did in fact reside in one, were called upon to make any return of their non-residence at the other. This, however, was not certain. Such persons might be liable, and it was certainly desirable to defend them from any vexatious proceedings. There was another class of persons who were precisely in the same situation as that in which they were when the bishop's licence for non-residence was originally granted to them, but who had not formally applied for the renewal of their licences—some because they knew that the bishop was perfectly well acquainted with the impracticability of their residence (from there being no house, &c.) and some from other causes, of the incompetence of which to satisfy the Act, not being lawyers, they were perhaps not perfectly aware. He knew that with respect to this last class there might be some difficulty. Nothing could be further from his intention than to interfere with the fair, just, and wholesome exercise of the existing law. If there were persons who had violated the law wilfully and knowingly, and not merely inadvertently and negligently, unquestionably they ought to suffer the penalties attached to such violation. The House would observe, that the penalties for the violation of this Act were extremely severe; and that there was no limit of time with respect to their operation. The Act had now been passed ten years; and it might certainly happen, if an informer could pick out a case in which an individual had not complied with its provisions for the whole period, that he could bring actions for the penalties incurred for the whole period. In the course which it was his intention to pursue on this subject, he was disposed to follow the example of a former case of a similar nature. In that case, prosecutions to a considerable extent had been instituted; and the remedy resorted to was, the introduction of a Bill to suspend those prosecutions for a time to be limited, in order to give parliament time to consider of an adequate legislative enactment. In this instance, however, he had no change to propose in the law; but he would propose to suspend the operation of the law until the heads of the church should have the opportunity, which in a few months they would have (the law providing that the returns should be made to them within six weeks of the 1st of January of every year,) of examining all the cases, judging of their nature, and ascertaining the circumstances which had prevented various parties from making their returns at an earlier period. His motion therefore would be, for a Bill to enable courts of justice, on application, to stay all proceedings on the subject until some day in April next. By that period the returns would be made to the bishops, from the bishops to the privy council, and from the privy council to parliament—by whom, if any jealousy were entertained of the conduct of the diocesans, any inquiry that might be thought fit might easily be instituted. If the result of that inquiry should prove (as he was satisfied it would prove,) that all or the majority of those who had not applied for licences would have obtained them had they so applied, parliament would probably see the justice of adopting some retrospective measure to defend those individuals from the penalties which they had innocently incurred. After a few further observations, the right hon. gentleman concluded by moving for leave to bring in a Bill to suspend, for a time to be limited, the proceedings in actions under the Act of the 43d of the King, &c. &c.

Leave given.

Foreign Treaties.] On the motion of lord Castlereagh, the House resolved itself into a Committee on the Foreign Treaties.

Lord *Castlereagh* began by expressing his regret, that in calling on the House to make provision for the fulfilment of these treaties, he was not in a situation to lay before them all the engagements with foreign powers into which his Majesty had entered in the course of the year. But he trusted, that his not being able to do so would not be attributed to any neglect on the part of the executive government; as, whenever the treaties to which he alluded were produced, the House would observe, on a reference to the dates, that there had not been time to exchange the ratifications, a form indispensable before any document of that nature could be laid on the table. At the same time, it appeared so material, before calling on the House to make any further provision on this subject, to put them in possession of the general nature and extent of the engagements which had been entered into by his Majesty's government, that he felt it would be very unsatisfactory, and even unfair, in his Majesty's government, willing as parliament had evinced itself on the present occasion, to call upon it to make a considerable further provision, without at least giving the House some notion of the proportion which the proposed provision bore to the general expenditure on the same head. He was anxious, on another consideration also, to bring every thing connected with this subject into one point of view. The motive was obvious. It was highly desirable that foreign powers should look in a collected view at the exertions which this country had made in their behalf. Painful as was the task, his Majesty's government had felt it their duty to resist many applications for aid which they would have been most happy to grant, and an acquiescence in which, if acquiescence had been practicable, would doubtlessly have been in the highest degree beneficial to the common cause. But the limited nature of the resources of the country had compelled them in some cases to deny altogether, and in others materially to narrow, the assistance which had been required of them. It was extremely desirable, therefore, that foreign powers should have an opportunity of seeing the aggregate of the exertions which Great Britain had made for the interest and advantage of the world; and of being convinced, that if their wishes had not met with the fullest and most prompt concurrence of the British government, it arose from the necessarily restricted character of the British resources. With respect to that aid which had been granted, he was persuaded that no other sentiment had influenced the crown in its distribution, than an anxious wish to apportion it in the mode best calculated to promote the general interest. In the first place, he wished to draw the attention of the House to the means that were last session placed by parliament at the disposal of the executive government; to the purposes to which those means had been applied; and to the probability that they would be adequate to cover the expenditure (under the name of aid) of the present year; and then to consider what it might be necessary to do with reference to the approaching year; without, however, chaining down the discretion either of parliament or of the executive government on the subject. He had great satisfaction in stating what had been done in aid of one class of those to whom it had been judged necessary to extend the assistance of this country. Independently of the glorious services of our own army in the peninsula—independently of the direct aid that had been given to Spain and Portugal, indirect aid had been afforded to the Spanish and Portuguese armies to a considerable extent. It frequently occurred, that they were in utter want of military stores and equipments. Under those circumstances, it was impossible to allow the service to stand still; and in many instances, the necessities of those armies had been supplied from our own commissariat. The aid which had been granted to Spain during the last year, in money, stores, &c. amounted to about two millions. Parliament had not been called upon to afford this assistance formally as a subsidy; it having been thought most advantageous to give it in a liberal manner, rather than under any specific engagement. The provision which parliament had made for the service of Portugal, for the last two years, was two millions. For Sicily 400,000*l.* had been voted; for Sweden one million. Added to which, parliament, at the close of the session, agreed to a vote of credit to the amount of five millions. He was happy to state to the House, that the sum which had thus been placed at the disposal of the crown would cover the engagements entered into by his Majesty for the existing year. The particular distribution of it would be regularly laid on the table of the House at a later period of the session. Four millions were appropriated to the payment of the subsidies with the foreign powers (a great portion of which had already been remitted); and the remainder was reserved for the purpose of re-imbursing those departments of the state, from which military stores had been forwarded for the use of the continent. And here he would observe, that no mode of assistance was so advantageous, both to ourselves and to the countries to which it was extended, as that to which he had just alluded; and that it was but an act of duty on his part to speak in terms of high admiration of the activity with which the department of the public service principally concerned had carried into effect the object in view. In the mere article of small arms, in addition to the great expenditure and waste of our own army, we had in the course of the year sent half a million of muskets to Spain and Portugal, and 400,000 to other parts of the continent as subsidiary aid—an exertion which, he repeated, reflected the greatest credit on the head and all the members of that department of the public service by which it was effected.

Having stated the general amount of the assistance that had been given to the different continental powers in the course of the year, he would proceed to a more detailed and particular statement. And first, with respect to Sweden. The House would recollect, that by the treaty concluded with that power, and which had received the sanction of parliament, the sum of a million, to be paid to her, was to cover her exertions to October last. The treaty expressly stipulated, that on the 1st of October 1813, the contracting parties should concert any further engagements that might appear expedient. In point of fact, instructions had been given on our part, some time before the expiration of that period, to the British minister at the Swedish court, to renew our subsidiary engagements with Sweden for the ensuing year. But, from the nature of the campaign, and from the state of the weather, he (lord C.) was not in possession of the proceedings under those instructions. He was, therefore, not justified in pronouncing what might or might not have been the course of the negociations; but he felt warranted in the general statement, that in all likelihood our engagements with Sweden, for the ensuing year, would not materially differ from those which we had held with that power during the present. As to the policy of renewing those engagements, he apprehended, in the present circumstances of the war, and after the experience which we had had of the conduct of Sweden in the last campaign, there would be no difference of opinion. Whatever objection, and on fair grounds, might have been made to the policy of the original contract; after all that had since occurred, he presumed no such objection could by possibility be repeated. He said this because he was sure the House could not fail to recollect the manner in which Sweden had fulfilled the treaty, by providing the full amount of the force which she had stipulated to provide; which force, brought to the North of Germany, in conjunction with the body under general Walmoden, had added not less than 50,000 men to the general exertions which had been made in the North of Europe. When the amount of this force was considered—when was also considered the energetic conduct of the Prince Royal of Sweden, who, magnanimously declining objects purely Swedish, had abstained from any separate effort, and had offered to the allies three distinct plans of general exertion for the campaign, it must be allowed that he had acquitted himself with the utmost spirit in the common cause, and laid the foundation for the glorious results which had followed. It was no small credit to that illustrious person, that, thrown at the commencement of the war into a situation of extreme difficulty, called to the command of an army composed of many nations, himself a foreigner, many of his regiments recently raised, and of a description which would not allow any military man to estimate their strength by their number, placed at the head of such a force, in opposition to the best troops of France, instead of permitting the French to capture the Prussian capital (an intention which they had openly announced), he assembled his army with unexampled rapidity in front of that capital, and with inferior means foiled all the efforts of the enemy at the very outset of the campaign, and, in conjunction with the force under that veteran, whom to name was honourably to distinguish, general Blucher, caused them a loss of at least 40,000 men. Although it certainly was impossible to contemplate without pain the situation in which, at the commencement of the campaign, Hamburgh was left by the operations which he had just described, it was a great consolation to reflect, that from the misfortunes which Hamburgh had then sustained, would probably be derived her ultimate security. It was his firm conviction, on military principles, that if the army of the Crown Prince had been diffused instead of concentrated, not only Hamburgh would still have fallen, but Berlin would have fallen, and the fate of the whole campaign would have been uselessly sacrificed. Having said so much with respect to Sweden, he would proceed to speak of our treaties with Russia and Prussia. He was perfectly prepared to admit, that the aid pledged by this country in her conventions with those powers was greater than any she had ever before been called upon to afford. This aid was of two descriptions—direct subsidy, and the credit of Great Britain on the continent, to the amount of 5,000,000*l.*; the subsidiary part of the engagement referring to the present, the assistance by credit to the ensuing year. On this latter point a difference would be found to exist between the original and the supplementary conventions. In the original convention, the House would perceive that the subsidy was contemplated; but in the supplementary convention it was deemed wise to provide that there should be no admixture of the credit of Great Britain with the credit of any foreign power; a junction which, in the first instance, it was proposed should take place.

The noble lord dwelt upon the importance of the improvement which this change of system introduced, by enabling our allies to pursue their operations with more effect, while it left this country at liberty to follow its own arrangements. As to the treaties to which this change referred, they were entered into shortly after the conclusion of the armistice; but instructions respecting their negociation were forwarded so early as April. His Majesty's ministers, indeed, had very easily formed their resolution; and the general ground upon which they proposed to act was, to assist, to the utmost extent of the means within their reach, the great powers with whom they were allied. With that view they made the advance stated to Russia and Prussia. They thought it peculiarly proper to enable these powers to call all their natural faculties into action, in order to sustain the important object for which they were confederated. They felt, that the only chance of overcoming the common enemy, and restoring the world to that state of public order, of which it had been so long bereaved, consisted in the establishment of a great bulwark, or rallying point, which the effective union and vigorous co-operation of those two great powers was, with certain aids, so eminently calculated to afford. Without the establishment, indeed, of this bulwark, the collection or operation of the force under Walmoden would have been found impracticable. Hence the propriety of contributing, on our part, to the establishment alluded to was obvious, and would, he had no doubt, meet the approbation of the House. As to the meritorious conduct of the powers whom we had thus aided, there could not, he felt confident, exist a doubt in that House or in the country. The progress of the exertions, the rapidly victorious strides which marked the career of the emperor of Russia, were fully notorious; but the demeanour of that monarch towards this country was peculiarly entitled to praise. The steps taken by him, in concurrence with this country, to authorise the proposition of Austria to treat with France for the restoration of peace, were peculiarly judicious. It was, indeed, unquestionably right, that Austria should make a trial of the disposition of the enemy towards peace, if it were only to satisfy its own subjects of the necessity which impelled her to take the part which that power had since so gallantly performed. Austria did, therefore, perfectly in a spirit of good faith, propose her mediation to France; but she had too much knowledge of the character of the French government not to foresee the result of her experiment, and not to make adequate preparations for the result. Austria did then make the most complete arrangements. The activity of Russia too, was, particularly signal; for, on the re-opening of the campaign, on the 17th of August, that power had actually in the field the full complement of men which she had promised to her allies, with the addition of a large reserve, besides another army collecting on her frontiers. Thus Russia had not only expelled the enemy from her frontiers, but, having passed those frontiers with a powerful army, brought general Bennigsen, with a reserve, to aid the common cause, and replaced the latter with another army on his frontiers. Such was the magnanimous conduct of this sovereign, who, after delivering his own country, conveyed his powerful army into the dominions of others, in order to rescue them from oppression—to restore their liberties. With that generous view, his great generals who had in their own country evinced such distinguished capacity to execute the highest purposes of war, were in the territories of the allies appointed to act a subordinate part in the command even of Russian troops. Such a circumstance was rarely to be found—was perhaps, in every view, without a parallel. It furnished, indeed, a conclusive proof of the liberality of the councils which regulated the government of Russia, to have her generals so disposed of—the most eminent acting under prince Schwartzenberg, general Blucher, and the Crown Prince of Sweden. In fact, no Russian general whatever had a predominant command, the whole being placed under commanders of those countries for whose redemption the Russian army had so gallantly fought—the Russian government thus acting towards the other members of the confederacy in the true spirit of alliance, and honourable confidence. —The Russian government had, indeed, throughout, displayed a degree of liberality, only to be equalled by the valour of its army. The pecuniary contribution, therefore, of this country, to such a power, employed in such a cause, was, he was persuaded, not merely secure against objection, but deserving of praise. But the contribution to Prussia would, he had no doubt, be equally applauded by that House, by the country, and by Europe. The exertions of Prussia were indeed unparalleled: and it was perhaps the most extraordinary feature in the present war, that that country, which was most depressed by the enemy—which was most exhausted by the plunder and devastation of France, had been found to make the greatest exertion—had been found to overcome, apparently, insurmountable difficulties, by raising its army to a level with that of the greatest power in Europe connected with the confederacy. Prussia had, in fact, been able to provide an army of no less (including its garrisons) than 200,000 men, thus equalling the amount of the Russian force. In stating this astonishing evidence of zeal and ability on the part of that regenerated country, he could not forbear from doing justice to the merit of that distinguished individual, general Scharnhorst, who so gloriously fell at the battle of Lutzen, and who most materially contributed to promote the resurrection of the military power of Prussia. But the merit of that gallant officer was most successfully emulated by his successor, general Eisenau; and here he had to state a fact, which proved that the period of the armistice was not wasted in indolence—that our allies were not by that transaction lulled into inactivity by any delusive hope; for, by the conclusion of the armistice, general Eisenau had succeeded in raising 70 battalions for the service of Prussia, 50 of whom were among the army which acquired such eminent distinction under general Blucher. It would not, he was persuaded, be rating the military exertions of Prussia too high to say, that in the present war it had exceeded any distinction it had ever attained under the great Frederick, whether its character was to be appreciated by the amount, the skill, the valour, or the success of its army. In fact, Prussia was never known at any former period to have possessed so large an army; and it formed a source of peculiar satisfaction and surprise, that this army so suddenly raised from among a people so long oppressed, should have been found competent to contend against, and to conquer, the bravest troops of France. Such a circumstance was indeed eminently calculated to justify confidence, or at least to encourage hope, as to the result of the war. But here he felt it proper to observe, that it would be contrary to the principle of his Majesty's ministers, to allow any immoderate hope to sway their decisions on any military results, however brilliant; or to withdraw their minds from a due consideration of that which was the only legitimate object of war, namely, the attainment of peace. To that object, indeed, they were prompted to attend, not only by their conceptions of duty, but by their views of interest. That object, however, they felt most likely to be attained by duly seconding the exertion of our allies; and under that consideration he had not the slightest doubt, that that House and the public would fully approve of what ministers conceived to be their duty; namely, to make the pecuniary grants he had described.

Now as to Austria, he hoped it would be felt, that in advancing any pecuniary aid that might be deemed necessary, to sustain the movements of that great military power, ministers should be limited only by the limits of our own resources. It was impossible for any man not highly to appreciate the assistance which Austria was capable of affording. But, greatly as he valued and desired that object, he felt satisfied that the co-operation of Austria was not to be obtained, but through the conviction of Austria itself that France was not willing to concur in any equitable settlement of the affairs of Europe. That conviction alone could, he was persuaded, urge Austria to embark in the war. Austria, indeed, saw that the enemy was adverse to the proposition even of an imperfect arrangement. That any thing like a pacific settlement of Europe was not to be looked for from the power which had so long disturbed its order. Austria then, slow and unwilling as she seemed to be convinced, became assured that the enemy was resolutely bent upon struggling, by arms, to hold Europe in a state of subjugation. Hence Austria was urged to take the part which she had so nobly performed; and that part was, he had no doubt, materially attributable to the moderation of the allies, who manifested a proper deference to the opinion of a power so important. They therefore paid due attention to the proposition of Austria, to mediate with France; taking care, however, not to commit themselves to any principle inconsistent with their own interests. But Austria having made a similar proposition to France, the experiment failed, and hence that power was led to engage in the war, at once by the forbearance of the allies, and the unchangeably hostile disposition of France. This the noble lord felt was not the time to discuss transactions with regard to which there was not yet any authentic information before the House; but yet he thought it necessary to make a few observations, in order to remove a false impression, which was too likely to be produced by the remark of an hon. member on a former occasion. That hon. member (Mr. Whitbread) expressed a wish that the allies should be disposed to conclude a peace upon the terms formerly proposed; which expression, no doubt, the hon. member afterwards corrected, so far as regarded terms professing only to advert to "the same basis of pacification."—Now it was not consistent with the fact, that any basis or system of pacification was ever offered to France by the allies, and of course it could not be intended to depart from any system in consequence of a change of circumstances. Yet from the hon. member's expression it might be inferred, either that the former pacific proposition, alluded to by him, was inadequate; or, if adequate, that the allies were likely to be led by the late military successes to abandon it, in order to press some exorbitant demands—while in point of fact no such proposition as that in the contemplation of the hon. member was ever made. It was merely attempted by Austria to mediate between the allies and France; and the conditions stated, were only those upon which that power was willing to become the mediator. But to the grounds of those conditions the allies were in no degree pledged; and it must be recollected, that those conditions did not at all touch any points affecting the particular interests of this country; that this country was in no respect a party to the transactions; that those conditions were, in fact, limited to the continent. France, however, having rejected those conditions, no hope of pacification remained, and Austria itself was in no degree pledged to them; for that power distinctly declared in its ultimatum, which had been published to the world, that if France did not agree to the conditions alluded to, she (Austria) would not hold herself bound to them, but resort to arms and seek to conquer peace. Hence it was evident, that no party whatever was pledged to the conditions referred to. Indeed, no terms of peace had ever been mentioned as the basis of any treaty to be concluded between the allies and France.

But upon the important subject of peace, he hoped the House and the country were willing to confide in his Majesty's government. Nothing had, he trusted, appeared or occurred in the conduct of government which should induce parliament or the public to withhold that confidence—nothing was, he believed, to be collected from the Speech of the Prince Regent, or from any part of the proceedings of his Majesty's ministers, which could justify a doubt of their anxiety to conclude a peace, whenever peace, in the just sense of the word, could be obtained. But while he calculated that those who were most anxious for peace had reason to rely upon the sincere desire of his Majesty's government to obtain it, he flattered himself with the enjoyment of equal credit with those who were most solicitous for the just rights and dignity, for the permanent honour and safety of the empire. The solicitude of government for peace had, indeed, been evinced on every legitimate occasion. Even after the battle of Leipsic, which might well be said to decide the contest on the continent, was there to be found in the Regent's Speech any appearance of that spirit of intoxication which such a splendid victory might be supposed to produce? Did the satisfaction inspired by triumph diminish at any time the express solicitude of government for peace? Was not the same language which appeared in the Speech used in reply to the proposition of Austria in the month of April last, after stating the grounds upon which government were precluded from accepting the mediation of that power, in consequence of its connection with France, and in consequence also of a declaration which, according to a trick of diplomacy recently very common in France, was made to the French senate, that the dynasty of Buonaparté did reign and should continue to reign in Spain.—Here the noble lord read, from the reply delivered to the Austrian minister in April, the passage he had alluded to; namely, that his Majesty's government had no disposition to interfere with the honour and just pretensions of France. From this and the other facts he had quoted, the noble lord expressed a hope that his Majesty's ministers might calculate upon the confidence of their country as to their disposition towards peace; that, indeed, they never would be suspected of forgetting that all the exertions used in war could have no other legitimate object than peace; and, that the most successful results of the one could be valuable only as they tended to the accomplishment of the other.

As a farther evidence of the desire of ministers for the attainment of peace, the noble lord referred to their conduct in the month of August last, when they communicated to Russia their readiness to accept the proffered mediation of Austria; and that, too, after intelligence had been received of the battle of Vittoria. This fact he quoted as a pretty clear proof that victory, however brilliant, could not withdraw his Majesty's government from its anxious solicitude for peace. Though they had agreed to accept the mediation of Austria in August, while a similar proposition was rejected in the preceding April, the House must be aware of the difference of circumstances which produced the change of decision on the part of his Majesty's government—Austria having been in April the ally of France, while in August she appeared in the character of an armed mediator. France, too, had in the interval relaxed its pretensions with respect to Spain; leaving that as a question for discussion, instead of asserting an indisputable claim. No part, indeed, of the conduct of government could be fairly said to indicate any indisposition towards peace. But he hoped that it would not be deemed by the hon. member (Mr. Whitbread) inconsistent with a proper anxiety for peace, to discourage any idle, futile discussions upon the subject. His Majesty's government certainly protested against the idea of entering into a congress without any satisfactory understanding as to the ends in view, or any ground of calculation as to the extent of the discussion; because there was too much reason to apprehend, that such a meeting might serve only to chill the exertions of the confederacy, to fill the mind of Europe with false hopes, and to lead individuals into injurious speculations; while it would enable the enemy to practise delusion upon the people of France.

The noble lord recapitulated the amount of the grants to Russia and Prussia; adding, that the advance to Austria, which, consisting of bills of credit, would not form an immediate deduction from our finances, amounted to one million, together with 100,000 stand of arms, and a large quantity of military stores. The subsidiary engagement entered into with Russia and Prussia would, he observed, terminate in January, and that with Austria in March; but these engagements would, of course, be renewed should the war continue. In this case, then, he could not calculate that the expenditure of the country, on these grounds, would in the next year fall below the standard of the present. The whole of the sum necessary for our military expence on the continent he stated at 10,400,000*l*. namely, four millions for the peninsula, and rather more than six millions for Germany. But provision having been already made for a great part of this expence, while more was required to fulfil engagements which were not yet in a shape to be submitted to parliament, he meant at present to move, that three millions should be granted on account; and when the engagements alluded to should be ratified and laid before the House, he should feel it his duty to enter into a minute explanation respecting the application of the proposed grant.

The noble lord concluded with moving, that the sum of three millions be granted to his Majesty, to enable his Majesty to carry into effect certain engagements with foreign powers.

The motion being put,

Mr. *Canning* rose and spoke nearly in the following terms:—Having been unfortunately absent when the general assurances of support on the part of the House were given in answer to the Speech from the throne, of which the vote of this day is a partial performance, I am anxious to take this opportunity of expressing, as strongly and as warmly as I am able, both my concurrence in those assurances, and my disposition to make them good, by the way and in the proportion recommended by the noble lord. If in the present state of this country, and of the world, those who, during the course of the tremendous and protracted struggle, on various occasions called upon parliament to pause, to retard its too rapid and too rash advance, and to draw back from the task it had unwisely undertaken to perform, have manfully and honourably stepped forward to join their congratulations to the joyful acclamations of the nation, and to admit the present to be the period favourable to a mighty and decided effort; how much more grateful must it be to those, who at no time during the struggle have lifted up their voices in this place, excepting to recommend and to urge new exertions; to those who, when the prospects were most dreary and melancholy, insisted that there was but one course becoming the character and honour of Great Britain;—a persevering, an undaunted resistance to the overwhelming power of France. To an individual who, under the most discouraging circumstances, still maintained that the deliverance of Europe (often a derided term) was an object not only worthy of our arms, but possible to be achieved, it must be doubly welcome to come forward to acknowledge his transports, and to vindicate his share in the national exultation. If too, on the other hand, there have been those who, having recommended pacification when the opportunity was less favourable, are now warranted, as undoubtedly they are, in uttering the same sentiments, in the confidence that the country will sympathize with them; it is natural for those who, under other circumstances, have discouraged the expectation of peace, and have warned the nation against precipitate overtures, now to be anxious to embrace this occasion of stating their sincere conviction and their joy, as strongly felt by them as by others, that by the happy course of events during the last year, and by the wise policy we shall now pursue, peace may not, perhaps, be within our grasp, but is at least within our view.

The vote we are this night called upon to make is in part prospective, and in part retrospective for services actually performed. Of that portion which is prospective, the noble lord has properly deferred the discussion; but of that portion which is retrospective, we are enabled to judge; and, large as the expenditure now proposed may seem, I think no man, who compares the station we now hold with that which we occupied at any former period of the contest, can doubt that the expenditure has been wisely incurred, and that the services actually performed have fully merited the disbursement. I agree with those who are of opinion, that the time is now arrived when we may look forward to the attainment of peace; but I am far from disguising from myself, and I deem it of infinite importance that the country should not disguise from itself, the difficulties with which we may have still to struggle. We must not deceive ourselves by supposing that the game is actually won; that the problem is mathematically solved; that we have done all that is necessary to insure a lasting tranquillity. What we have accomplished is, establishing the foundation upon which the temple of peace may be erected; and imagination may now picture the completion of that structure, which, with hopes less sanguine, and hearts less high, it would have been folly to have attempted to raise. We may now confidently hope to arrive at the termination of labour, and the attainment of repose. It is impossible to look back to those periods when the enemy vaunted, and we, perhaps, feared that we should have been compelled to sue for peace, amid all the ebullitions of joy, without returning thanks to that Providence, which gave us courage and heart still to bear up against accumulating calamity. Peace is safe now, because it is not dictated: peace is safe now, for it is the fruit of exertion, the child of victory: peace is safe now, because it will not be purchased at the expence of the interest and of the honour of the empire: it is not the ransom to buy off danger; but the lovely fruit of the mighty means we have employed to drive danger from our shores. I must with heartfelt delight congratulate my country, that, groaning as she has done at former periods under the heavy pressure of adverse war, still "peace was despaired of; for who could think of submission?" Her strength, her endurance, have been tried and proved, by every mode of assault, that the most refined system of hostility could invent, not only by open military attacks, but by low attempts to destroy her commercial prosperity: the experiment has been made; the experiment has failed; and we are now triumphantly, but not arrogantly, to consider, what measures of security should be adopted, on what terms a peace should be concluded. But, as I before remarked, peace is only within our view, not within our grasp; we must still look forward to an arduous struggle with an enemy, whose energies have grown with his misfortunes, and who will leave no efforts untried to remove us from the lofty pinnacle that we have attained. We are not yet in a situation in which we have a right to discuss the terms of pacification; but so far I agree with the noble lord, that the happy changes which have taken place, must not alter the principle on which a treaty should be founded: they do not vary with circumstances; we must secure and guard our own honour and interest; but we must not expect from our enemy that to which we ourselves should not submit, that he should sacrifice to us his own honour and interest, to him equally dear. All will agree, however, that this is not precisely the time for these discussions; we must expect from him a renewed and vehement struggle; he will not tamely submit to degradation, but will continue his efforts; and if we arrive at the desired goal, it can only be by the road we are now pursuing.

With reference, however, to the vote of this night, as far as it may be considered prospective, as to the exertions we are called upon in future to make, I must observe, that even if our hopes of peace should be postponed, or even disappointed, is it nothing to reflect upon the posture we are enabled to assume, by the achievements we have already performed? Is it nothing, to look back upon the fallen, the crouching attitude of enslaved Europe, at a period not long distant, and compare it with the upright, free, undaunted posture in which she now stands?—Living memory can recal no period when she was entitled to hold her head so high, and to bid such bold defiance to her enemy. What, let me ask, is the first and brightest fruit of the late successful conflict?—

First; that continuity of system, that instrument of not wholly ineffectual hostility against Great Britain, which, until lately, was supposed to be growing in strength and perfection, has been destroyed; that complex machine directed against our trade, has received a blow which has shivered it to atoms! (Hear, hear!) The enemy is doubly defeated; his arms and his artifices have failed: burdened as it was, still there is something in the incompressible nature of commerce which rises under the weight of the most powerful tyranny: his efforts have been exhausted; his monarchy was reduced, to sink our commerce; but, rising with tenfold vigour, it has defied his puny efforts, never to be repeated. The next point that we have attained is, the destruction of his own darling system of confederation; I mean, that system by which he had formed all the states of continental Europe into satellites of the French empire, that moved only as it moved, and acted only by its influence. They are now emancipated; the yoke has been removed from their shoulders; the nations rise superior to themselves,

"Free, and to none accountable, preferring
"Hard liberty, before the easy yoke
"Of servile pomp."

But, since all the events of war are precarious, is it impossible, that, after retiring awhile, the tyrant of Europe (now no longer its tyrant) may again burst forward, and again, with desolation in his train, awhile victorious, attempt to collect the fragments of that system, and to reconstruct that mighty engine which we have shattered, but which once, guided by his hand, hurled destruction on his foes?—It *is* impossible. After the defeats that he has sustained, all confidence between him and his vassal states must be annihilated. Admitting that they may be compelled again to act, can he rely upon their exertions, or can they depend upon his support? He may go forth like that foul idol, of which we heard so much in the last year, crushing his helpless victims beneath his chariot wheels; but he never again can yoke them to his car as willing instruments of destruction. Even if Austria, by base submission to the sacrifice of her honour, were to add the sacrifice of another daughter, and of another army of 30,000 men, that mutual confidence which existed at the commencement of the last campaign can never be restored.

So much for the present state of Europe: but has this country gained nothing by the glorious contest, even supposing peace should be far distant? Is it nothing to Great Britain, even purchased at the high price stated by the noble lord, that under all the severity of her sufferings, while her trade declined, her military character has been exalted? Is it no satisfaction, no compensation to her, to reflect that the splendid scenes displayed on the continent are owing to her efforts? that the victories of Germany are to be attributed to our victories in the peninsula? That spark, often feeble, sometimes so nearly extinguished as to excite despair in all hearts that were not above it, which we lighted in Portugal, which was fed and nourished there, has at length burst into a flame that has dazzled and illuminated Europe. Shall it then be said, that this struggle has had no effect upon the military character of Great Britain? At the commencement of this war, our empire rested upon one majestic column, our naval power. In the prosecution of the war, a hero has raised another stupendous pillar of strength to support our monarchy; our military pre-eminence. It is now that we may boast, not only of superiority at sea, but on shore: the same energy and heroism exist in both the arms of Great Britain; they are rivals in strength, but inseparable in glory. If at a future period, by successes which we cannot foresee, and by aggressions which we cannot resist, war should again be threatened upon our own shores, what consolation will the reflection afford, that out of the calamities and the privations of war has arisen a principle of safety, that, superior to all attacks, shall survive through ages, to which even our posterity shall look forward. Compare the situation of England with her condition even at the beginning of the last campaign, much more with her condition at the renewal of the war. Were we not then threatened by the aggressions of an enemy even upon our own shores: were we not then trembling for the safety and sanctity even of our homes?—Now contemplate Wellington encamped on the Bidassoa!—I know that a sickly sensibility prevails abroad, which leads some to doubt whether the advance of lord Wellington was not rash and precipitate. Of the political expediency of that advance I can entertain but one opinion: I cannot enter into that refinement which induces those who affect to know much, to hesitate upon the subject: I cannot look with regret at a British army encamped upon the fertile plains of France: I cannot believe that any new grounds for apprehension are raised by an additional excitement being afforded to the irritability of the French people: I foresee no disadvantage resulting from entering the territories of our enemy, not as the conquered but the conquerors: I cannot believe that there are any so weak as to imagine that England wishes to maintain a position within the heart of the enemy's country, or that Spain will attempt to extend her dominion beyond that vast chain of impregnable mountains that seem to form her natural boundary. What is the fact? The Portuguese are now looking upon the walls of Bayonne, "that circles in those wolves" which would have devastated their capital; the Portuguese now behold, planted on the towers of Bayonne, that standard which their enemy would have made to float upon the walls of Lisbon. I cannot think it a matter of regret that Spaniards are now recovering, from the grasp of an enemy on his own shores, that diadem which was stripped from the brow of the Bourbons, to be pocketed by a usurper. (Hear, hear, hear!) I cannot think it a matter of regret that England, formerly threatened with invasion, is now the invader—that France, instead of England, is the scene of conflict:

———Ultrò Inachias venisset ad urbes
Dardanus, et versis lugeret Græcia fatis.

I cannot think all this matter of regret; and of those who believe that the nation or myself are blinded by our successes, I entreat, that they will leave me to my delusion, and keep their philosophy to themselves. (Hear, hear, hear!) There are other observations, growing not only out of the proceedings of the last year, but since the commencement of the war, that to my mind are highly consoling. It is a fact acknowledged by all, that our enemy, who has enslaved the press, and made it contribute so importantly to his own purposes of ambition at various periods during the hostilities, has endeavoured to impress upon all those who were likely to be our allies a notion, that Great Britain only fought to secure her own interests—that her views were completely selfish. That illusion is now destroyed, and the designs of this country are vindicated by recent events. We call on all the powers with whom we are at war to do us justice in this respect: above all, we claim it of America, with which as much as any man I wish for reconciliation. If she were now hesitating and wavering, which of the two great contending parties she should join, would not the conduct of England now decide the doubt? I ask her to review her own and the policy of this country, and to acknowledge that we are deserving, not only of her confidence, but of the support of mankind. Now, she can behold Buonaparté in his naked deformity, stripped of the false glory which success cast around him: the spell of his invincibility is now dissolved: she can now look at him without that awe which an uninterrupted series of victories had created. Were she now to survey him as he is, what would be the result?—She would trace him by the desolation of empires and the dismemberment of states; she would see him pursuing his course over the ruins of men and of things: slavery to the people, and destruction to commerce; hostility to literature, to light and life, were the principles upon which he acted:—his object was, to extinguish patriotism, and to confound allegiance; to darken as well as to enslave; to roll back the tide of civilization; to barbarize, as well as to desolate, mankind. Then, let America turn from this disgusting picture, these scenes of bloodshed and horror, and compare with them the effect of British interference! She will see, that wherever this country has exerted herself, it has been to raise the fallen, and to support the falling; to raise, not to degrade, the national character; to rouse the sentiments of patriotism which tyranny had silenced; to enlighten, to re-animate, to liberate. Great Britain has resuscitated Spain, and re-created Portugal: Germany is now a nation as well as a name; and all these glorious effects have been produced by the efforts and by the example of our country. If to be the deliverers of Europe; if to have raised our own national character, not upon the ruins of other kingdoms; if to meet dangers without shrinking, and to possess courage rising with difficulties, be admirable, surely we may not unreasonably hope for the applause of the world. If we have founded our strength upon a rock, and possess the implicit confidence of those allies whom we have succoured when they seemed beyond relief; then, I say, that our exertions during the last year, all our efforts during the war, are cheaply purchased: if we have burdened ourselves, we have relieved others; and we have the inward, the soul-felt, the proud satisfaction of knowing that a selfish charge is that which, with the faintest shadow of justice, cannot be brought against us.

Mr. Canning then proceeded to applaud the system of affording aid by bills of credit, which, without danger to ourselves, mixed the credit of this country with that of our allies. He also stated his concurrence in the treaty with Sweden, to which last year he had objected, in consequence of the provision regarding Norway. A majority of both Houses had determined in its favour, and he was satisfied with that vote. He also approved of the continuance of the aid to that power. He congratulated the House upon the accession of Austria to the confederacy, whose aid was so necessary to its success. Next to his joy in voting these supplies, would be the indignation he should feel, if either of the three great powers were to forsake the league, and make a separate treaty to secure its own peculiar interests. He did not believe that there was the least reason to apprehend such a defection; for he was convinced, that all were now sensible, that the fate of each depended upon the firm union of all at the present crisis, when the liberty of the world was the prize for which they were contending.—He concluded in the following words:—

It has been often said, that the language of true poetry is the language of universal nature; but I believe, that the empress of France was little conscious when she made her speech to the senate respecting her husband, that she was employing almost the very words of our great epic poet, who put them in the mouth of the first rebel and usurper on record, who is speaking of the disappointment of the followers whom he had seduced—

———"Ah me! They little know
"How dearly I abide that boast I made;
"Under what torments inwardly I groan,
"While they adore me on the throne of hell!"

Thus have I stated a few of the remarks which press upon me in the present posture of affairs. I ardently hope, that the result will be a general pacification, in which the interests of the civilized world will be duly consulted: if it should be necessary to continue hostilities, may we contend, as we have fought during the last campaign, with matchless strength, arising from the firmness of the indissoluble union of the allies, whose cause is, and whose exertions ought to be, one. May Great Britain still maintain that dignity of station, and support that grandeur and liberality of design, upon which she has hitherto acted: may she continue the unoppressive guardian of the liberties that she has vindicated, and the disinterested protectress of the blessings that she has bestowed!

Sir *Gilbert Heathcote* observed, that it was not to this particular treaty that he objected, but to the principle of granting foreign subsidies at a time when the annual taxes bore so heavy on the community, and when our finances by no means warranted us in such an expenditure; for the allied powers had never so effectually opposed the French as during the last two years, when almost unconnected and unsupported by pecuniary aid from England. If the people of the continent really felt the encroachments of France, they would continue to resist, without pay being afforded as a preliminary for the continuance of their hostility. He understood that the new loan was for 22 millions, with a prospect of more being required; in addition to this enormous sum, during the ensuing spring, some thought that loans might be pushed to any extent whatever; provided part of each was reserved as a sinking capital, ultimately to extinguish the debt. He conceived this to be dangerous, and every way burthensome to the present generation. The Prince Regent's Speech, from which the proposed measure originated, gave much satisfaction, on account of the moderate and liberal sentiments which it contained. Regarding the Speech as that of the ministers, he hoped that they would act up to it. They would do well to caution their agents, who write in the public prints, to abstain from violent language; as a suspicion might be entertained, that what was announced publicly in the House, was discouraged elsewhere; that when debating on subsidies caused by coalitions, it would be well to recollect the campaigns of 1799 and 1800. In the first, the allies were completely successful; but in the latter, the fatal battles of Marengo and Hohenlinden laid Austria again prostrate at the foot of France. No dependence could be placed on the small states in Germany; they were alternately with the strongest party. The system pursued, resembled too much that of a person in private life, who lived on the principal instead of the interest of his fortune, for him to think it a wise or safe course for the nation any longer to pursue. Ministers had much in their power, if they acted with firmness and moderation. England stood too high, to necessitate her to alter her demands on every fresh success; she should fix what were the terms on which she could make peace with security, and adhere to them as the bases of negociation. Opposition to the measure he knew was useless; but as his public conduct should not belie his private sentiments, he could not avoid stating his objections; conceiving it to be the particular duty of a member of the lower House, to look to a provident expenditure of the public money. He then alluded to the re-publication of Louis the 18th's proclamation to the people of France, at this particular time, in journals devoted to the ministry, as betraying a feeling for the re-establishment of the Bourbon family, which, however he might pity them as individuals, he thought most impolitic: it was in contradiction to the Prince Regent's sentiments in the Speech from the throne; and if entertained, the war might be considered as perpetual.

Mr. *Whitbread* rose, he said, merely to notice one or two remarks which had occurred in the declamatory speech of the right hon. gentleman who had spoken last but one. He, for one, must disclaim his having entertained any idea at any period of making a dishonourable peace with France, a peace of compromise or subjugation; but he did think, that many opportunities had been lost (and more particularly under the administration of the right hon. gentleman himself,) when there was a prospect of making a fair and honourable peace with France. He never wished this country to make a peace that should compromise her interests or her honour; but he at the same time wished that France should be fairly and honourably dealt by. Sure he was, as sure as he could be of any thing that did not admit of actual demonstration, that if the councils and policy of Mr. Fox had been originally adopted, those tremendous events which we had witnessed, would not have taken place on the continent; nor should we to night have found it necessary to vote the proposed subsidy, in order to make one more effort to put an end to the war. One part of the right hon. gentleman's declamation he was quite at a loss to understand, or where he had found the material for it. He did not know where he would find any individual in that House, either among the friends who sat near him, or those who were separated from him; among those whom he retained, or those whom he had discarded; who had ever lamented those proud events in consequence of which lord Wellington had planted his standard on the soil of France. He would vie with the right hon. and eloquent speaker in his congratulation and triumph on that subject; but he could not help saying something of the overweening self-complacency with which that gentleman talked of the share which we had had in giving a decided turn to the aspect of affairs in the North of Europe. He hoped that he would recollect, that his Majesty's ministers would recollect, and that the allies would recollect, that it was the mad ambition of Buonaparté, which, by carrying him beyond all bounds of prudence or justice, had produced that reverse of fortune. But it was the conduct of this country which had enabled him to proceed so far as he had done in his unprincipled career. Great Britain (Mr. Whitbread said) had made Buonaparté, and he had undoné himself. By pushing his anti-colonial policy to the impracticable extremes which his passions and resentment against this country dictated; and by the aid of Heaven, which had almost miraculously conspired to the destruction of his army last year in Russia, he had been reduced within those limits, which he (Mr. Whitbread) sincerely hoped he would never again be able to pass. The right hon. gentleman talked of coalitions. Mr. Whitbread thought it best not to revert to that topic: but there was a marked difference, in his opinion, between the present and former coalitions. Formerly we had offered subsidies to the continental powers to coalesce against France: in the present instance, these powers had themselves coalesced against France; and we were called upon to advance subsidies to enable them to continue their efforts in the common cause, and for the attainment of peace on a permanent basis.—He had on a former night expressed a wish that the same terms of peace might be granted now, as were offered at the commencement of the armistice. He had then corrected himself by saying, that he hoped the same basis of negociation might be adopted. He would now correct himself still farther, and say, instead of the same basis, the same principle of negociation. He should indeed be most happy to learn, that some general principle of pacific arrangement was understood and agreed upon by the allies. He did not mean officiously to ask, what that principle was, nor would it be right at present to disclose it (Hear, hear! from lord Castlereagh;) but if there were no broad and definite outline previously laid down, and firmly adhered to, as to the demands on the part of the allies, or the concessions on the part of France, which were to form the groundwork of a general peace, he would venture to predict, that what had so often happened already, would again take place; namely, that we should before long hear that some one or other of the allies had made a separate treaty, founded on its own views or interests. Why had the coalesced powers hitherto been vanquished by France? Because the people were not with them. The allies had now triumphed over the French armies, because the people were with the governments, and urged them on to repel the unjust and intolerable encroachments of France. The great course of events held out to us a most important lesson. If we did not take warning from it, but attempted blindly to push our advantages too far, he feared that we should only rouse the same irresistible power in France, which in 1793 had repelled the combined attacks of all Europe—which had since led on the emperor of the French to conquests, and which might again turn the tide of success against us. With respect to that part of the treaty with Sweden which related to the annexation of Norway, he still retained the same sentiments of abhorrence and detestation of it that he ever did. But that was now past. In the present situation of Europe, and after the services rendered by Sweden to the allies, the proposed subsidy to Sweden would have his hearty concurrence. Agreeing as he did, in many points, with the hon. member who sat behind him (sir Gilbert Heathcote), he differed from him on this, as he felt no reluctance in voting the sum called for, in the hope that the efforts which it was intended to sustain and assist, would be directed to the attainment of that great object—a secure and lasting peace.

Mr. *Baring* objected to the mode of granting the subsidy. Remitting it to the continent by bills, or in paper, was the least advantageous mode that could be. Our bills on the continent would not be worth more than 40 or 50 per cent. Mr. Baring also conceived, that the postponing the payment of part of the debt incurred by the new subsidies till after the return of peace, would be throwing a considerable obstacle in the way of the resumption of the Bank payments in cash, which were to recommence at that period. The hon. member then entered into a forcible and ingenious argument, to shew, that it had always been the policy of France to erect a barrier of small states along the frontier which divided her from Germany; that these states, which nominally belonged to the empire, but were without any military force, gave France that ascendancy which she had constantly maintained over Austria; and that the anxiety which he had heard expressed by ministers for the restoration of these smaller states, would probably be found fatal in the event to the establishment of that continental independence which was so much wished for.

The *Chancellor of the Exchequer* said, that, under all the circumstances, it had been judged advisable to postpone the raising one million of the subsidy to Austria to a subsequent period, rather than incur the inconveniences of the immediate increase of expence.

The Resolutions were then put and carried, and the Report ordered to be received to-morrow.

HOUSE OF COMMONS.

Thursday, November 18.

Lord *Castlereagh* moved for leave to bring in a Bill to explain and amend the Act of the 41st of his Majesty, relative to the circumstances under which persons, in official situations, could hold seats in that House. A question had arisen, as to the situation in which those persons stood, holding offices under the lord lieutenant of Ireland; and it had been doubted whether those persons appointed to fill offices by the lord lieutenant of Ireland must necessarily vacate their seats, like persons accepting situations under the crown. A question had also arisen, whether persons holding such offices under the lord lieutenant were not obliged by law to vacate their seats on a new lord lieutenant coming into power, as it was assumed that those appointed by the old lord lieutenant must go out of office with him. He apprehended that this was not necessary, any more than it was necessary that persons holding situations under the crown should resign them on the sovereignty being assumed by a regent. It might be very inconvenient if this were the law, as applied to the case of the chief secretary in Ireland. The question, however, might be raised in another quarter, and the individual proceeded against by way of penalty. He thought the chief secretary ought to be protected against such a proceeding. He therefore proposed, under all the circumstances, to bring in a Bill to explain and amend the said Act.—Leave was given to bring in the Bill.

INSOLVENT DEBTORS.] Mr. *Horner*, seeing a right hon. gentleman in his place (Mr. Bathurst), who, he thought, would be able to give him some explanation on a subject on which he had presented a petition in the present session, as he had before presented one in the summer, wished to ask, whether any and what steps were in progress for relieving the insolvent debtors in the Isle of Man?

Mr. *Bathurst* was not satisfied that it was in his power to give the hon. and learned gentleman that detailed information which he might be anxious to receive. A Bill had been sent over from the local jurisdiction in the Isle of Man, the object of which was, to relieve the insolvent debtors there confined. This Bill had been laid before the privy council; and they, upon consideration, thought it right to recommend it to the crown to signify its dissent from the Bill. He believed the objection to that Bill was, that it was thought likely to open a door for persons, contracting debts in this country, to get relieved from such obligation, merely by going to the Isle of Man. Such, at least, it was imagined, might be the effect of this local measure. He, however, was not aware, that any objection was made to giving effect to such arrangements as would afford relief to those who were *bona fide* inhabitants of the Isle of Man, and whose debts were contracted in that island. It was the wish of government to allow them the benefit of the Insolvency Act, by putting them on the same footing as the insolvent debtors in this country.

CONVENTIONS WITH RUSSIA AND PRUSSIA.] Mr. *Lushington* reported from the Committee of the whole House, to whom it was referred to consider the Conventions between his Majesty and the emperor of Russia and king of Prussia, the Resolutions which they had directed him to report to the House; and the same were read, and agreed to by the House; and are as follow:

1. That it is expedient to make provision for enabling his Majesty to make good such engagements as may be subsisting or be contracted between his Majesty and foreign powers.

2. That provision be made for enabling his Majesty to defray the expences which may be incurred in the execution of two Conventions between his Majesty and their majesties the emperor of all the Russias and the king of Prussia, bearing date respectively the 30th day of September last, for the issue of a subsidy by the means of bills of credit, not exceeding the amount of 2,500,000*l.* sterling, or fifteen millions of Prussian thalers principal money.

Ordered, That the first of the said Resolutions be referred to the committee of the whole House, to whom it is referred to consider further of the supply granted to his Majesty.—That a Bill be brought in upon the other of the said Resolutions; and that Mr. Lushington, Mr. Chancellor of the Exchequer, lord viscount Castlereagh, and Mr. Bathurst, do prepare and bring it in.

MILITIA VOLUNTEERING BILL.] On the motion for the third reading of the Militia Bill,

Alderman *Curtis* observed, that as doubts had arisen with respect to the nature of this Bill as affecting the city of London, he was desired to "introduce" a clause into it [a laugh], to save the rights and privileges of that city. At the same time he had the happiness to state, that the common council had this day come to an unanimous resolution to have an application made to that House, which would be presented in the usual way on Monday or Tuesday next, for leave to bring in a Bill to allow the militias of the city of London to do the same as was proposed by the Bill before the House with regard to the other militia regiments throughout the country.

Lord *Castlereagh* said, that he should not object to the clause proposed, and expressed the gratification he derived from the statement of the hon. baronet; adding, that as the citizens of London had expressed such an honourable disposition to serve the common cause of their country, it would be right to allow that they should render that service in the manner which they themselves thought proper to propose.

The clause which provided that this Bill should not extend to the city of London was accordingly adopted.

Mr. *Whitbread* then rose to bring forward a motion of which he had given notice, with regard to an amendment in the preamble of this Bill. He could not, he said, calculate upon being able to persuade the noble lord (Castlereagh) to assent to, or the House to adopt, the amendment which he had to submit; but yet he thought it proper to put on record the grounds upon which he was induced to give his support to ministers at this important crisis; namely, from a strong wish and confident expectation that the exertions which they had made, and which they were about to make, would tend to the attainment of the blessing of peace. He was not insensible to the burthens the country had to bear, or to the grievous weight which was to be added to those burthens by the resolutions to which the House had so lately assented; neither was he insensible to the invasion of the old constitutional practice which the measure under consideration involved, nor to the great injustice to which that measure was in its progress and execution calculated to subject many meritorious officers whose complaints had reached him, but whose case was obvious before those complaints were heard. He was not insensible either of the nature and tendency of the several similar expedients which had been resorted to, from time to time, to recruit our disposable force, and which expedients being from their character unfit and inadequate to their purpose, led to this last great exertion for the reinforcement of our army. He had also in his recollection several other points, which might at another time call for animadversion. The proposition, for instance, of the Chancellor of the Exchequer, upon the subject of local tokens, was a direct confession with regard to the state of our silver currency; while the measure brought forward by the noble lord (Castlereagh) respecting the acceptance of foreign bills, for the accommodation of our allies, was obviously calculated to aggravate an evil long and justly complained of, by increasing the amount of our paper currency. But still, with all these considerations in his mind—with his eyes fully open respecting them, he was ready to support and confide in government, from a strong reliance upon its disposition to obtain peace; and this reliance particularly rested upon the noble lord (Castlereagh); many parts of whose speech, last night, he heard with peculiar gratification. From that speech, indeed, he was much more satisfied than he had ever felt before. The conduct of the war with America the hon. gentleman also thought deserving of particular attention; and therefore he would lay in his claim at a proper opportunity to consider those parts of that conduct which he deemed questionable; but, at present, he would abstain from the discussion of that and the other points to which he had referred, and indeed, from any topic likely to occasion trouble to ministers; being willing to leave them wholly unincumbered and disengaged, to devote their minds and exertions to the attainment of a lasting and honourable peace. Still he wished to record on the Journals the grounds upon which he was so willing to give his support to ministers, by proposing to insert the following paragraph in the preamble of the Bill, namely, "for bringing the war to a speedy and happy termination; and obtaining the blessings of peace upon terms of reciprocity, honour, and security to all the belligerent powers." Recurring to the speech of the noble lord (Castlereagh), the hon. gentleman repeated, tha from some parts of it he drew a much happier augury than the tone and temper of the Prince Regent's Speech, or any thing he had heard before, was calculated to produce; and he meant particularly, that immediately after the battle of Vittoria, ministers had communicated their readiness to accept the proffered mediation of Austria. In selecting that happy moment, which was so well calculated to inspire high and triumphant ideas, to express their disposition towards peace, ministers had evinced a character eminently deserving of his confidence; and if there were any part of the administration more disposed towards peace than another, he had no hesitation in expressing his readiness to fortify that part, by seconding any measure which it thought proper to bring forward, with a view to the attainment of such a desirable object. The hon. member repeated, that he had no hope that his amendment would be adopted; and it was, no doubt, consistent with the noble lord's views to oppose its adoption; for his proposition was, he understood, conceived to involve a reflection upon former administrations, whom he viewed, he must confess, with a jealousy upon this subject, which certainly did not apply to his Majesty's present ministers.

The amendment being put,

Lord *Castlereagh* rose and declared his objection to the motion; because he should conceive it a dereliction of his duty, to acquiesce in an amendment which would imply that this measure was brought forward in a different spirit and with a different view from that which had characterized other measures of a similar nature, to which this House had assented. He fully concurred with the hon. member in a wish for peace; but he trusted the House and the country would not conceive that peace was in the hands of his Majesty's ministers. They knew the enemy with whom they had to contend—and the, perhaps, still more formidable character of the enemy with whom they had to negociate. They concurred with the hon. member in an anxious wish for peace; but they were resolved to look for a peace not only fair and honourable, but such as should hold out a reasonable prospect of secure repose to the country after the arduous and long-protracted contest in which it had been engaged—not such as might do little else than lead the country to disarm, merely to place itself at the mercy of the enemy. His Majesty's ministers were not willing to disguise from themselves, or from the country, the dangers which might belong to peace, any more than the dangers and calamities incident to war. Their object was, a lasting and honourable peace; and upon this subject, he would adopt the language of the emperor of Austria, who stated, that he would rather incur all the risks of war, than remain in peace subject to the dread of daily aggression or perpetual convulsion. He therefore deprecated the idea of imposing upon the country by the mere sound of peace; but it should be prompted to look for that solid and satisfactory arrangement which was alone to be valued, and for which he had no doubt that the hon. mover was as solicitous as any other individual whatever. The hon. member was correct in the passage which he had thought proper to quote from what he (lord C.) addressed to the House last night with respect to the communication of his Majesty's ministers to the allies after the battle of Vittoria. They certainly did authorise Russia to accept the mediation of Austria; accompanying the authority by a statement of the principles which should govern the negociation, and particularly including an inviolable adherence to the faith by which this country stood pledged to its allies. The proposition of Austria was, however, rejected by the enemy; and that rejection, demonstrating his real temper, served to unite that great power with the allies. But the disposition which his Majesty's ministers manifested on that occasion they still retained. Whenever a fair opportunity for negociation or a rational prospect of peace offered, they would not fail to embrace it; but they could never forget either the enemy with whom they had to contend, or the enemy with whom they had to negociate.

Mr. *W. Smith*, feeling, in common with every man in this country, the most lively joy at the prospects which brightened upon us, would not throw any impediment in the way of ministers, and, if he thought this motion intended to oppose them, would not support it; but he thought its tendency very different. He considered it not amiss to state specific reasons for acceding to a measure like the present, at this time. He certainly thought that the militia would be more likely to volunteer, if it was understood that the end of their exertions would be the acquirement of a secure peace; for he was not alarmed by the noble lord's exposition of his view of peace; he regarded it in the same light, and wished for no other than that which his lordship had described. But in saying this, he must own that he did not consider it as so near. He thought we should still have an arduous struggle before we could conquer such a peace as, after all we had done, and all the world had suffered, we were entitled to expect. He wished the words to be added to the preamble of the Bill, for the satisfaction of the country, and the popularity of the measure.

Mr. *Whitbread* wished to explain, that he always thought it impossible to conclude any peace but such as that which the noble lord contemplated. He declared most sincerely, that in all the efforts which he had made in former sessions, and under different circumstances, to create a pacific disposition in the government of the country, he never advocated peace on other grounds than those now mentioned. He wished it to have been tried, because he thought that it had not properly been done; and that, if attempted in the spirit of sincerity, it might have succeeded. When, in contemplation of a great, arduous, and protracted struggle, he was willing to augment the means of ministers, to free them from all shackles of opposition, and to lavish the resources of the country; surely no one could doubt for what purpose he would allow such exertions and such sacrifices to be made, or suppose that he did not mean a secure and an honourable peace. He wished the government to make those redoubled exertions; and if our candour and moderation did not prevail over the enemy, and incline him to peace, if he obstinately sacrificed the repose of Europe to the prosecution of his ambitious designs, and reason and justice were equally powerless upon him; then, instead of lowering our tone, or humiliating ourselves, he wished the country and government to appear ready to make still greater exertions, that they might at last be crowned with success.

Mr. *C. W. Wynne* would think such an interference as the present necessary, if he saw any indisposition in ministers to enter fairly into the question of peace. But he perceived no symptoms of that kind in their conduct, and on that ground could not accede to his hon. friend's motion. If the words which he proposed had been originally in the preamble to the Bill, he should not have objected to them, but he thought their introduction unnecessary. In looking to peace, we only could look for a safe and permanent one; and none could be safe and permanent, that was not founded on the reduction of the enemy's power.

The question was then put and negatived.

The Bill was read a third time; and, after some observations from Mr. Wynne and lord Castlereagh, the various clauses were agreed to, and the Bill was passed.

HOUSE OF LORDS.

Friday, November 19.

Insolvent Debtors.] Lord *Ellenborough* observed, with reference to the Insolvent Act, that a representation had been made to him, that in the King's-bench prison, where there was only convenient accommodation for 200 persons, there were now no less than 900 prisoners; so that the marshal had found himself compelled to give some of them the rules, upon slender security, at his own risk, from the absolute impossibility of accommodating them within the prison. He had hoped to have seen in his place, before this, his noble and learned friend, the author of the Act, to have communicated with him on the subject. He now understood that his noble and learned friend was expected on Monday. The business did not admit of longer delay; and he now gave notice, that if his noble and learned friend was not then in his place, or if it was found impossible to give a speedy operation to the Act, which at present appeared impracticable, he should introduce a Bill for its repeal, and enacting the usual temporary provisions for the relief of insolvent debtors, under which they might, without delay, be released. As the permanent Act was unlimited in point of time, he proposed that the temporary Bill should be equally unlimited, and that the notices given under the former should be available for the purposes of the latter. It was absolutely indispensable that something should be done without further delay, for the relief of the persons who had given in notices under the Act.

The *Lord Chancellor* said, his noble and learned friend who was absent had been detained in the country by pressing causes, but purposed being in town on Monday or Tuesday. He should, however, feel himself bound to lend all his assistance to the framing and the success of a Bill such as described by his noble and learned friend (lord Ellenborough). Expectations had been excited by the passing of the Act of last session, which, perhaps, ought not to have been raised; but they had been excited, and it was incumbent on the legislature to gratify them.

Militia Service Bill.] The Militia Service Bill was brought up from the Commons.—On the motion of the earl of Liverpool, the Bill was read a first time, and ordered to be printed; and his lordship gave notice, if the prints were on the table (of which there was no doubt), that he intended to move the second reading on Monday, for which day the Lords were ordered to be summoned.

HOUSE OF COMMONS.

Friday, November 19.

Apothecaries Petition.] Mr. Calcraft presented a Petition of several apothecaries, surgeon apothecaries, and practitioners in midwifery, in England and Wales; setting forth,

"That apothecaries, surgeon apothecaries, and practitioners in midwifery, form the great majority of the medical practitioners of England and Wales, and are very generally intrusted with the medical and surgical care of the population of this kingdom; and that none of the above branches of the medical profession can be practised, with benefit or even safety to the community, unless the practitioners have acquired a competent professional knowledge by some regular medical education; and that there is no existing law to prevent persons, without any proper medical education, from practising in all or any of the above branches; and a great number of persons, therefore, in every part of the kingdom, assume the character, and exercise the functions of the apothecary, surgeon apothecary, and practitioner in midwifery, who are wholly ignorant, and utterly incompetent to the performance of the duties of the profession; whereby the health of the community is endangered, and the general character of the profession disgraced and brought into disrepute; and that it is essential to the preservation of the character of the profession, and to the interest of the community at large, that provision should be made for remedying the above evils; and praying that leave may be given to bring in a Bill for the same."

Ordered, That the said Petition be referred to a committee, with power to send for persons, papers, and records.

PETITION OF PRINTERS OF LONDON.] Mr. Rose presented a Petition of several printers of London; setting forth,

"That the capital employed in the business of printing in London has, within a few years, been greatly extended, and has led to a proportionate increase in the revenue arising from this important branch of trade; and that the industry and skill of persons engaged in it have led to a very considerable improvement in the art, and gradually advanced it to a degree of excellence which it never at any former period attained; and that the petitioners humbly submit, that it is of the highest consequence in a national view, both as it relates to the prosperity of this interesting department of business, and as it concerns the public revenues of the country, that the persons engaged in it should not experience those discouragements to which they are at present subject, arising from the undue exercise and application of privileges conferred by the legislature for different and very laudable purposes; and the petitioners humbly represent to the House, that, by the statute of the 43d of his present Majesty, chapter 69, the Universities of Oxford and Cambridge, and also the Universities of Scotland, are exempted from the payment of any duty upon paper used within their precincts in printing books in the Latin, Greek, Oriental, or Northern languages; that this exemption, it is humbly submitted, was intended to operate as an encouragement to literature in those establishments, and was not meant to be made use of for the purposes of trade, to the injury of the rest of his Majesty's subjects; that it has accordingly always been considered in this light by the Universities of Oxford and Cambridge; those ancient and venerable institutions have never suffered their presses to be degraded by employing them for pecuniary emolument; but, in the valuable publications which they have given to the world, have been governed solely by a view to the advancement of literature, and the maintenance of their own reputation and character; and that a different practice, however, has recently prevailed in the universities of Scotland, particularly at Glasgow, and which, if continued, must not only put an end to a most important branch of printing in England, but prove highly injurious to his Majesty's revenue; and that circular letters have been addressed by the printer of that University to different booksellers in London, proposing to print for them, in the way of trade, any of the Greek or Roman classics, and offering, as an inducement or bounty, to allow them the drawback upon paper; that this plan has already been acted upon to a considerable extent; and it must be obvious, that if, in addition to the advantages which the Scotch printer derives from the comparative cheapness of labour in that part of the island, he is to be permitted to make use of the drawback for the purposes of trade, and to carry it to market, in order to purchase employment; if this abuse of the exemption, which was granted by the legislature for a very different purpose, is to continue, not only the printing of all works in the Greek and Latin languages must, within a short period, be transferred to that country, but the revenue arising from the paper employed in such publications, amounting to a very considerable sum, be entirely lost to the government; the petitioners beg leave, further, most humbly to suggest to the House, that, besides the loss to the revenue, and the severe injury to the English printer, to which they have adverted, the monopoly of this important branch of the art, which must necessarily result from the continuance of the above system, cannot fail to produce consequences extremely unfavourable to the cause of literature in this part of the island; and the petitioners also feel it their duty to represent to the House, that the measure of which they complain has led to another most serious abuse; by the same statute (the 43d of his Majesty), a drawback of a part of the duty upon paper is allowed upon the exportation of printed books; and it has already, in some instances, happened, and the same will of necessity frequently occur, that, upon the exportation of books printed in the manner above mentioned, and upon which an allowance of the duty was, in the first instance, made, a second drawback has been obtained; the consequence, therefore, of the continuance of the practice of which the petitioners complain, will be, that his Majesty's government will not only lose the whole duty upon the paper employed in printing works of the above description, but will be called upon to pay a considerable sum out of the Treasury to the exporters of such publications; it is humbly submitted, therefore, to the House, that, as well for the sake of his Majesty's revenue, as on account of the injury which the petitioners and the cause of literature in this part of the island must sustain if the abuse of the university privilege, and of the liberality of parliament, should continue, some check ought to be imposed upon this practice by the authority either of the legislature or of the government; and that this is not the first attempt that has been made in Scotland to extend, to the disadvantage of others, the privileges with respect to printing vested in particular individuals in that country; for it may be in the recollection of the House, that, about the year 1800, the persons filling the office of King's printer in Scotland, and who had the right of printing the Holy Bible and New Testament in that country, attempted to introduce copies of those books into England, to the injury of the Universities of Oxford and Cambridge; they were however at length restrained by a decree of the court of Chancery, which was afterwards affirmed upon appeal to the House of Peers; that the petitioners beg leave humbly to suggest, from analogy to the principle of the above mentioned decision, that the exemption from the duties upon paper, granted by the legislature to the universities of Scotland with a view to the encouragement of literature, whatever operation it may be permitted to have in that part of the United Kingdom, ought not to be allowed to be thus perverted from its original object, and applied to the purposes of trade, to the ruin of an important branch of printing in England, and to the serious injury of the revenue; and praying the House to take their case into their favourable consideration, and to adopt such regulations as will prevent in future the irregularities before mentioned, and relieve the petitioners from the injury they sustain from the practice of them."

Ordered, That the said Petition do lie upon the table.

Supply.] The House went into a Committee of Supply.

Lord *Castlereagh* said, that the question having been already fully dscussed, he should not now detain the House by any further argument. His object was, to carry into execution the determination of a former night to grant to his Majesty the sum of 3 millions on account, to be applied to the purpose of aiding our allies. He moved a Resolution for this purpose.

Mr. *Whitbread* did not mean regularly to resist the motion, but he could not allow that part of the subsidy to go unnoticed which was appropriated for the Russian fleet. With our present naval strength, he thought any such addition wholly unnecessary.

Lord *Castlereagh* replied, that during the last year, the Russian fleet had been eminently useful, and he had no doubt that it would be found equally necessary in the naval distribution of the present year.

Lord Castlereagh then brought in a Bill to give effect to certain engagements of the king of Great Britain with the emperor of Russia and the king of Prussia. It was read a first time, and ordered to be read a second time on Monday.

HOUSE OF COMMONS.

Saturday, November 20.

Petition of Mr. Wright against the Clergy Residence Proceedings Bill.] Mr. F. Wright presented a Petition of William Wright, of Bridge court, Westminster, in the county of Middlesex, gentleman; taking notice of the Bill to stay, for a time to be limited, proceedings in actions under an Act passed in the 43d year of his present Majesty, to amend the laws relating to spiritual persons; and setting forth,

"That the petitioner was, in the year 1805, appointed secretary to the then lords bishops of Ely, Oxford, Norwich, and St. David's, and continued to act as such secretary to all those lords bishops up to the period of the decease of the late right reverend doctor John Randolph, who had been translated to the see of Bangor, and from thence to the see of London, except to the lord bishop of St. David's, whose official business the petitioner could not pay sufficient attention to, in consequence of the great increase of the duties which devolved on him as the secretary to the bishop of the important diocese of London; and that, during the whole of the above-mentioned period, the petitioner did, at great expence and trouble, print and publish an abstract of the Acts relating to residence, containing forms of applications for licenses of non-residence, forms of notifications, &c. a great number of copies of which he distributed gratis, not only to the clergy of the dioceses where he was secretary, but to those of other dioceses also, up to the month of July last: and some of the lords bishops also caused short abstracts of the Act of the 43d of his present Majesty, chapter 84, to be printed and distributed amongst their clergy, in order that none of them might be ignorant of the provisions of the law; and their lordships the bishops in their charges to their clergy have for many years past endeavoured to inculcate in the minds of the clergy of their respective dioceses the necessity of residence, with a more frequent performance of divine service, and have also recently directed their attention to the provisions of this Act; and that the petitioner has also, during all the period of his holding the before-mentioned offices, at considerable expence, caused advertisements to be inserted in the provincial newspapers almost every year, to acquaint the clergy of the dioceses of London, Oxford, Ely, and Norwich, with the necessity there was for them to renew their licences, if their original cause existed, and also to request others of the clergy to deliver the notifications required by the Act; and he has also caused circular letters to be written to the same effect, upon an average for several years of at least 200*l.* per annum, which course has also been adopted by other secretaries of other lords bishops; and that the petitioner did also cause to be written circular letters (the originals of which, in the hand writing of the lords bishops whose dioceses they relate to, are in the petitioner's possession) wherein the clergy were desired to send the notifications to the bishop himself, at his lordship's residence, so late as the months of April and May last; and the lords bishops did also frequently cause advertisements to be inserted to the same effect, and expressing in very strong terms their displeasure that the clergy should render them necessary; the originals of such advertisements are in the petitioner's possession, and some of them are in the hand-writing of the lord bishop himself; and that although the measures before-mentioned were so repeatedly resorted to, in order that the clergy might be acquainted with the great necessity there was for them to pay attention to the law, yet their neglect still continued; and, after the Stamp Act in 1808 had affixed a duty of one pound upon licences for non-residence, the difficulty of inducing the clergy to renew them became considerably greater, and those who did renew such licences, in many cases, left them in the hands of the petitioner, without paying the expence of the stamps, and the fee prescribed by the act of parliament to be due to the petitioner thereon; and notwithstanding letters were sent to the clergy, desiring them to take away such licences and pay for the same, and informing them that a copy ought to be deposited in the parish chest, according to the statute, many of such licenses still remain in the possession of the petitioner in consequence of such non-payment, and many others have been sent to the clergy without payment, and remain unpaid to the present time, although often requested both by letter and personally; and in consequence of the non-renewal of licences from the year 1805 to the present time, and of the neglect of the clergy in paying for those which had been granted, and the stamps to which they were subject, the petitioner hath lost a considerable sum of money, to which, under the said Act, he was legally entitled, by means of which also the revenue has been considerably diminished; and that the petitioner has ascertained that there are 10,801 benefices in England and Wales, and that there were 6,311 benefices without any resident incumbent; and that there were so few resident curates employed to supply their places, that there were 4,788 benefices without a resident minister of any description; and the petitioner has also ascertained that the lords bishops have been so much imposed upon by false notifications and other means, that the returns delivered to his Majesty in council are very incorrect; and the petitioner sheweth, that the Act of the 43d of his present Majesty, for enforcing the residence of spiritual persons on their benefices, appeared to be, and in fact was much evaded; and the petitioner, trusting the said act of parliament was not enacted without an intention of its being enforced, and believing that the lords bishops and community in general would be much benefited if the provisions thereof were carried into effect, he commenced actions against several of the clergy whose cases are of a description hereinafter mentioned, and who have evinced a contempt and disregard of the laws (except in two or three instances in which the petitioner has since discovered he was incorrect, which he has directed to be discontinued), such as sending notifications of exemption for non-residence on two or more benefices, for various causes which on examination are found to be false; licences obtained by false representations; licences suffered to expire for near two years, and which have not been renewed because the incumbent would not send a curate to the bishop to be licensed to supply his place; some of the incumbents residing nearly one hundred miles distant, and holding two benefices by dispensation, to obtain which they are obliged to give bond to reside on one, and to keep a resident curate on the other, and to preach thirteen sermons on the one on which they do not reside, which they do not perform; others returned as resident on two livings, when in fact they reside on neither; and praying that the said Bill may not pass into a law; and that the petitioner may have such relief as the House shall please to direct."

The Petition having being read,

Mr. *F. Wright* said, he hoped that the Bill, the third reading of which stood for that day, would be postponed; as he understood the petitioner intended to present another petition, to be heard by counsel at the bar. He then moved that the petition do lie on the table.

Mr. *B. Bathurst* said, that he could not consent to postpone the third reading of the Bill. No injury would be inflicted on the petitioner by the Bill; as it would only stay proceedings until the 29th of April next, by which time the House would be able to take some measures to discriminate between those who were *bonâ fide* transgressors of the law, and those who had incurred the penalty through inadvertence. Certain he was, that many of the clergy had not received sufficient notices of the enactments of the statute. If the petitioner wished to have been heard by counsel, he might have prayed for it in the voluminous petition which they had heard. The sooner, however, the Bill was passed, the better it would be for the petitioner, as well as the sufferers. The petitioner, without doubt, would be entitled to costs up to the time of the passing of the Bill, in those actions for which there was legal ground.

The Petition was ordered to lie on the table.

The Non-Resident Penalties Suspension Bill was then read a third time and passed.

Report from the Committee of Supply.] Mr. Lushington reported from the committee of the whole House, to whom it was referred to consider further of the supply granted to his Majesty, the Resolutions which they had directed him to report to the House; and the same were read, and agreed to by the House, and are as follow:

1. That a sum, not exceeding three millions sterling, be granted to his Majesty, to make good such engagements as may be subsisting, or be contracted, between his Majesty and foreign powers.

2. That a sum, not exceeding 3,059*l.* be granted to his Majesty, for defraying the remainder of the expences of repairing the church of St. Margaret, Westminster, above the sums granted by parliament for that purpose, and that the said sum be issued and paid without any fee or other deduction whatsoever.

Mr. Lushington reported from the committee of the whole House, on the Bill for raising the sum of 22 millions by way of annuities, the amendments which they had made to the Bill; and the amendments were read, and agreed to by the House; and an amendment was made to the Bill.

Ordered, That the Bill, with the amendments, be ingrossed; and read the third time upon Monday next.

HOUSE OF LORDS.

Monday, November 22.

The first reading of the Clergy Penalty Suspension Bill (which was ordered to be printed) took place on the motion of the archbishop of Canterbury; who gave notice of his intention, if the prints were on the table, to move the second reading on Wednesday, for which day the Lords were ordered to be summoned.

Lord Holland presented petitions from the debtors confined in Chelmsford gaol, the gaol of the county of Berks, and certain persons, natives of foreign countries, confined in the King's-bench prison, praying relief; which were ordered to lie on the table.

His lordship also presented a petition from the debtors confined in the Isle of Man, praying relief; and took the opportunity of observing, that for a considerable period, although several Insolvent Acts had passed, yet these unfortunate persons had remained without relief. He understood that the local legislature of the Isle had passed an Act last year for the relief of the debtors confined there; but, unfortunately, it had not received the sanction of government.

Lord Viscount *Sidmouth* stated, that the Act for this purpose passed by the House of Keys had been officially transmitted to him to be laid before the Prince Regent in council. Upon reference, however, to the law authorities, the Act was found so extremely objectionable, that it could not be assented to; and an order in council, stating precisely the grounds of objection, was sent to the governor of the Isle of Man, with a recommendation for the local legislature to pass an Act free from those objections, which would be readily assented to. He believed that the House of Keys had not assembled since that period.

Lord *Holland* observed, that probably the House of Keys, like other Houses, would readily attend to the suggestion of the noble viscount.

The Petition was ordered to lie on the table.

The Lord Chancellor introduced a Bill for vesting in the accountant-general of the court of Chancery for the time being, and his successors, the property in that court, which found its way there in consequence of the burden thrown upon the court by the legislature, in sending them for arrangement the affairs of Canal Bills, Turnpike Bills, Parish Bills, and other speculations, which took up so much of the time of the court. He introduced a similar Bill last session, which passed that House; but, owing to the want of time before the close of the session, could not get through the other House. The object of it was, to prevent property of that description (the property of the suitors being already provided for), from vesting in the representatives of the accountant-general in future, and to take it out of the hands of the representatives of the former accountants-general; so that, upon the death, resignation, or removal of that officer in future, the property should immediately vest in his successor.

The Bill was read a first time.

The Lord Chancellor read a letter from sir Thomas Graham, acknowledging his high sense of the recent vote of thanks of that House; and a similar letter from sir J. Abercromby, relative to the vote of thanks for the capture of Mauritius.

Militia Service Bill.] Earl *Bathurst* moved the second reading of the Militia Service Bill. His lordship observed, that he felt it unnecessary to take up the time of the House by entering into an explanation of the conduct of ministers in bringing forward the present measure. It was scarcely necessary to remark upon the singular and admirable features of the war. Our successes,—the great battle of Vittoria,—the possession of the Pyrennees,—the advance into the enemy's territory,—were all sufficient grounds for persevering in the great cause which we had begun, and exciting and invigorating the resources of the country. If our successes had been inferior, even in this there would be much reason for continuing and increasing our efforts. While so noble a spirit had been raised in Europe, while such high interests were struggling in the North, it was not fitting that a power of the dignity and rank of England should not take a share worthy herself in the great cause of nations. But let the House look upon passing events; and if they had not then ground, let them find it in that which had occurred between the time when this Bill was introduced and the present moment,—that noble burst of patriotic feeling which had arisen in Holland, recalling old attachments, returning to ancient loyalty, renewing ancient habits, and friendships, and objects. It was hardly necessary to say a single word in justification of the principle of increasing the military and disposable means of the country. He would not take up the time of the House any further than in explaining the basis of the measure which he was to propose to them.

The mode of increasing the regular force had been frequently a matter of consideration with their lordships, and it appeared that the most valuable source was to be found connected with the militia system. The first step had been, to allow simple volunteering into the line: the present Act had a farther view, and it contemplated the service of the volunteer, both as a soldier of the line, and of the militia. It was proposed, that in every regiment where 900 men volunteered, three field officers should be allowed to volunteer also; where six hundred, two; and where three hundred, one; but in any regiment whose number did not amount to the lowest ratio, if three-fourths of the whole volunteered they were also to have one field-officer. Where a sufficient number of field-officers did not offer, the right of appointment to devolve to his Majesty. These regiments were to be formed into provisional battalions, commanded by officers of the line, the officers receiving half-pay. Their lordships would scarcely regret, on knowing the nature of the militia, that those officers were likely to share in the liberality of the House. A great proportion of them were meritorious gentlemen, whose income largely depended on their appointments in the service, and who in the prospect of a peace saw before them only a painful diminution of their competence. He could not help thinking it fortunate that this measure allowed, if he might be permitted the term, an excuse for insuring to them the reward of their services. There were but few additional circumstances. One was, that militia officers thus serving should be equally with others subject to the usual forms of the line courts-martial. In the next place, no field officer of a provisional battalion was to have a higher rank than that of lieutenant-colonel; for, as it was the intention, that when acting in the field those bodies should always be under the command of an officer of the line, it might otherwise happen that the militia officer should be senior to the line officer. Another limitation was, that not more than three-fourths of any regiment should be allowed to volunteer. It might be objected, that there would be a hardship in prohibiting the services of men willing to come forward. To this the answer was, that in every regiment there was a proportion, and that nearly amounting to the proportion stated, of men who, from age or accident, were not fit to be exposed to the fatigues of active service—men, who, though equal to highly useful occupation at home, were better not hazarded lightly to a foreign campaign. He could not, however, impress it too fully on the House, that it was by no means within his ideas to break down the fabric of the militia. The establishment was of the highest importance: obvious as were its advantages from the original scheme, scarcely any man could have conceived the important uses of which it was subsequently found capable. It had formed among us a large and vigorous portion of the national defence during the threat of invasion. In case of the attempt to realize that threat, it would have been found, doubtless, eminently useful and trust-worthy. It had rendered important services in the insurrection in Ireland, and in suppressing those similar disturbances which were partially felt even here. It had, in the last instance, conduced to the strength of the regular force, and supplied the line with its finest troops. There was one service which it had rendered, and which, though it was not distinctly obvious at first sight, might be reckoned of no slight national import. It gave occupation to the higher orders of the country, for whom the necessity of occupation was most pressing, and its nature of the highest interest to the community. It generated popular and manly habits among them; it accustomed them to mingle among the inferior ranks of the state; it supplied them with an honourable exercise and honourable acquirements for the general protection; and if even those ends were not all ensured together, it at least drew them away from those pursuits, which, degrading and unhappy as they were, naturally assailed men of rank and fortune, and in corrupting them, corrupted the most influencing and important order of society. His lordship then proceeded to enumerate the other powers of the Bill. Among the rest, it provided for his Majesty's acceptance of the service of single companies, the officers being entitled to half-pay. These companies to be attached to regiments of the line, or formed into battalions by themselves. In this case, the preferment would not suffer any obstruction; as the officer commanding the attached company would follow the order of the regiment, and those employed in the battalions of companies would of course not be in a condition to interfere with the regulars. The only objection which seemed to be taken to this measure was, that officers looking to permanent rank would naturally engage all they could to volunteer, and thus impair the usual demands of recruiting from the militia. The answer might be, that, as it was by no means intended to stop the usual recourse to the militia for the support of the line casualties, officers would have it in their power to volunteer still, as they had done previously. He expected the concurrence of the House to a measure which promised to be of the most signal use, and he would not therefore take up their time further upon the subject.

The Bill was read a second time.

Earl *Bathurst* suggested, that as it was of importance to pass the Bill without delay, the House might probably be induced to negative the commitment.

The Duke of *Norfolk* was anxious that not the slightest obstacle should be thrown in the way of the progress of this Bill, which he thought it was essential to pass without the least delay.

The commitment was then negatived, and the Bill ordered to be read a third time to-morrow.

HOUSE OF COMMONS.

Monday, November 22.

INSOLVENT FOREIGNERS.] Sir *Samuel Romilly* presented a petition from certain foreigners confined in the Fleet prison, and in the King's-bench, praying that the benefit of the Insolvent Act should be extended to them. They hoped that the House would be the more inclined to view their case with favour, from the consideration that they were the subjects of other countries, where they would not have been exposed to such severity of treatment. As he understood that the Act, passed in the last session, was to be suffered to expire, he perhaps owed some apology to the House for presenting a petition, claiming the benefit of an Act which was about to expire. He had really been surprised, at hearing that the Act was impossible to be carried into execution. He believed that it had not been tried yet, and that the first sitting of the judge appointed under it would be next Friday. He wished to know whether there had been any attempt to carry it into execution in Ireland? He had heard a great deal of the complex machinery of this Act, which made its execution impossible. He could not believe that the difficulties were so great as had been represented. As to what was called the machinery of the Bill, it had been introduced by the noble and learned lord who originated the Bill. As his ideas, in this respect, had been acquiesced in by the very highest authorities of the law in another place, he had made no opposition to it. He felt, however, convinced, that there could not be any such faults in the machinery of the Bill, as it would not be easy for parliament to provide remedies for.

Mr. *Lockhart* said, that if he did not bring forward the Bill for the speedy discharge of the insolvent debtors, he thought it necessary to state his reasons shortly. He never had intended to repeal the present Bill; but he wished to give a concurrent jurisdiction to the quarter sessions, for the purpose of accelerating the object of it. He wished much that the Bill should be fairly tried; but he was afraid that he might be doing an injury instead of a service to those insolvent debtors who expected a speedy discharge, if he were to bring in a Bill now, which might not be passed in the present session.

The *Attorney General* assured the hon. gentleman, that there would be no time lost in considering how to relieve the insolvent debtors. He thought it was likely that this day would not pass without a motion being made by a noble lord in another place.

[Here the Speaker interposed, saying, it was not regular to refer to the supposed proceedings of the other House.]

The *Attorney General* then observed, that he might be allowed to say, he was assured that a measure affording speedy relief to the persons who were aggrieved by the delay under the present Act, was in preparation, and would be passed before the recess. For himself, he did not find that there was any thing objectionable in the principle of the Bill; and if time were given, he conceived it might be made a very wholesome law. But he agreed that it was necessary to do something immediately, and for that reason he was anxious that some temporary expedient should be devised and adopted.

Mr. *Lockhart* postponed bringing forward his motion on the subject till Monday.

Hellestone Election.] On the order of the day for considering the Hellestone Election Bill being read,

Mr. *Horne* (member for Hellestone) rose and said, he should feel it a dereliction of his duty to himself as well as his constituents, if he did not state his objections to the present measure. In doing so, however, he acted solely from the individual conviction of his own mind, without concert with any persons in or out of the borough. The borough of Hellestone had been long in possession of the exclusive right of sending two members to parliament; a right not arising out of any usurpation on the privileges of others, or in prejudice to them; but arising out of the law and constitution of the country, and standing on the same basis as the best and most sacred of our institutions, or as the right and authority of that House. It was natural, then, for the burgesses of Hellestone, and in some measure a duty incumbent on them, to make a struggle for the preservation of such a right. He was at the same time not insensible, that this privilege was the last which ought to be considered as private property; that it had high and important duties connected with it; and that if any gross abuse were proved in the discharge of those duties, it was then the business of parliament to interfere and strike at the root of the corruption, provided the municipal law did not reach the evil. It would, however, be the duty of the House to proceed cautiously, on the fullest evidence, and to take care that in aiming to secure the purity of election, they did not destroy that which was the foundation of it, the elective franchise itself. This Bill might form a precedent by which hereafter, in times of faction and turbulence, or of extreme corruption, rather the quality of the members returned, than the corruption attending their return, might be made the ground of similar disqualifications. Thus far his remarks were general: he would now proceed to apply them more particularly to the Bill in question. This Bill stood upon the ground of the special Report only, or of that and the evidence delivered at the bar of the House. Now the terms of the Report stated, that there had subsisted a certain illegal agreement between a noble duke and a majority of the members of the corporation of Hellestone, with regard to the return of members to serve for that borough. And he understood, that the committee had in this case inserted the word 'illegal,' purposely to exclude the word 'corrupt,' which they did not think applicable to the transaction. There were three views under which the subject might be viewed:—1. The nature and extent of the offence. 2. Who were the offenders. 3. The punishment. With respect to the first, the committee having decided that the agreement was illegal in its nature, this alone was a sufficient reason why it should not be referred to parliament; for if the transaction was illegal, there was a legal remedy, and an adequate punishment for it: any thing more must be unjust. To go beside the law, would be an irregularity; to go beyond it, an act of oppression. But granting that the offence was great, and the punishment deserved, yet he would contend that it ought not to be inflicted on the present parties. If the majority of members of the corporation of Hellestone had offended, that was no just ground why the whole body should be disfranchised. The corporation acted as trustees for the borough; they were the organs and depositaries of its interest; an unnamed majority of them had abused their trust, and disregarded the interests of the inhabitants—ergo, what? Not that the offenders should be punished, but those against whom the offence had been committed, the people of Hellestone, who were the first persons that had suffered by this violation of the law. After again disclaiming any personal communication with those who were interested in the Bill, the hon. and learned gentleman concluded with expressing his decided disapprobation of it.

Mr. Serjeant *Onslow* complimented the last speaker on the delicacy and discretion with which, in the difficult situation in which he was placed, he had treated the question. But in all the arguments of the hon. and learned member, he was so unfortunate as to differ from him. The Report, indeed, stated, that the transaction was illegal; but it also went on to state, that it was one contrary to the law of parliament, and to the purity of election. If this then was not a case in which it was proper for parliament to interfere, he did not know what was. He also differed from the learned member, who seemed to suppose that this elective franchise was held by the corporation for the benefit of the people of Hellestone, but in his opinion it was held for the benefit of the people of England. But it was said, we had punished the whole body for the offence of the majority only. This, however, was unavoidable. We had pursued only the common course. It was not in a single instance, in the last election only, that the most unwarrantable abuses and corruption had taken place; but a regular system had been long pursued, by which the right and independence of election had been bartered away, to secure certain profitable exemptions for the town and borough of Hellestone. What then could be more just than to take away a right which was placed in such improper hands? From the whole evidence it appeared, that they never discovered the slightest anxiety to know what members were to be returned for them, but only to know whether the wages of their corruption would be paid. It did not follow because the offence was illegal, that the punishment annexed to it by law was adequate. It was the object of the legislature not merely to punish the offence, but to provide against the recurrence of it in future; and for this purpose he thought some such enactment as the present highly expedient and necessary.

The Bill was then read a second time.

HOUSE OF LORDS.

Tuesday, November 23.

Insolvent Debtors.] Lord *Ellenborough* rose to propose his promised Bill for the more speedy liberation of insolvent debtors. He adverted to the great numbers who were at present in confinement, and in earnest expectation of a speedy relief under the existing Bill; which hopes, it appeared practically, were in no small degree disappointed. In such a situation many must much longer continue, if some remedial measure were not speedily produced. After adverting to what he had mentioned on a former day, he observed, that the measure which he was about to submit to their lordships, in consequence, would go to the repeal of the existing Act, and would in other respects proceed upon a principle of a former Insolvent Act passed in the reign of his Majesty, which provided for the discharge of all persons in confinement, without limitation to the sum; and to give all those who had already given notices under the existing Bill, the benefits of the Act which he now proposed. It would, perhaps, be unseemly to dwell upon the difficulties which peculiarly belonged to the present Act. But it was evidently found defective in many points of view, and impracticable as to speedy execution. The Bill now proposed would go in a great measure to obviate these defects; but it differed from many recent Insolvent Bills, with respect to the limitation of sum. Two Acts could not properly be in execution for the same legislative purpose; it would, however, be for the consideration of their lordships to decide which of the two measures were preferable. In this view, he should propose that the Bill he now presented be read a first time, and printed for the use of the House. The Bill was accordingly read a first time, and purported to be for the relief of insolvent debtors in England, &c.

Lord *Redesdale* said, it was but very recently that he had received information of what had passed in the House respecting the Act of last session, which he had the honour to propose. With respect to that measure, it would, in his opinion, be preferable to suggest amendments applying to its particular difficulties; as he thought the Act was of considerable importance, and, so amended, would be fully capable of execution.—Such also was the opinion of the learned and respectable person who was appointed to superintend and direct its execution. The several cases which were already disposed of, fully proved its practicability. He understood there were upwards of 800 orders made upon different petitions, which had been considered. That there were cases upon which no common degree of difficulty occurred, he believed; but he was convinced those difficulties were capable of removal, though some would require a great deal of consideration. In former Acts, from the mode in which they were executed, great facilities were suffered to obtain, and which may account for the speedy disposal of cases. The strict investigation which the existing Act called for, precluded such practices. The principal difficulty which seemed to obtain in the present Act, respected the notices; and the principle on which these were provided for, was borrowed from the long established law of Scotland, and also of Holland, both of which were founded on the principle of the Roman law. All these required notices to be given; and any permanent general system, founded on such a principle, must be accompanied by a process of the kind. The number of debtors now in confinement appeared to him very extraordinary, especially when he considered the great numbers discharged under preceding Insolvent Acts. There must be some commensurate consideration to produce it at the moment. Their lordships may conceive the situation of the creditors of persons who contract debts to an immense amount, and are thrown into prisons under the expectation of a speedy liberation through an Insolvent Act. The debts of such persons he understood amounted to several millions. There were notoriously great numbers who contrived to live without any visible means of support, save upon the plunder of those who unwarily afforded them credit. From those whom he had conversed with on the subject, he learned that hundreds of notices were brought by persons who were employed under former Acts for the like purpose, so very informal and inadequate, that they could not be proceeded upon. As long as the practice of temporary Insolvent Acts was suffered, the gaols would be full of persons clamorous for speedy liberation; one cause of which was, the facile manner in which discharges were procured under many former Insolvent Acts. The existing Act proceeded upon a very different principle, and was proposed to be executed in a very different manner. From what he had observed, the measure was, in his mind, good in itself, and in its principle; whether all its machinery was the best adapted for its purpose, was another consideration. The principle of the *cessio bonorum*, on which the Act chiefly proceeded, was in other countries executed by the supreme courts of justice; and such was the original idea with himself; but he was well aware of the great pressure of business upon the present courts in this country, which rendered the measure of a separate jurisdiction necessary. After some further remarks upon the nature and tendency of the existing Act, he submitted to his noble and learned friend, whether it would not be preferable to proceed to the amendment of the present Act, and to apply a separate remedy so as to meet the immediate pressure from the immense number of applicants, and to afford them such benefit as was afforded by the last Insolvent Debtors Bill; at the same time leaving it open to individuals to take the benefit of the existing Act if they should choose it; who, he had pretty good grounds for saying, would be no small number. His lordship expressed his disapprobation of the frequent recurrence to temporary Insolvent Acts, as highly prejudicial in their general effects; and insisted on the superior advantages, in every point of view, of establishing a permanent general system upon the subject. He was confident that the defects of the existing Bill might be effectually amended. It was a topic upon which much difference of opinion certainly existed; and he must observe, that of the numerous suggestions which were offered to him, many appeared to be for the purpose of defeating the measure, and throwing difficulties and perplexities in the way of its legitimate object. Their care should be, to guard against the machinations and practices of fraudulent debtors; at the same time, with this principle in view, to keep the gaols as clear as they could. Numerous were the individuals who, under the late system, expected and endeavoured to be free from all demands upon them, by entering into a gaol. It was incumbent on the legislature to counteract such a great, acknowledged, and increasing evil; to prevent the practices so frequently adopted, for the purpose of getting what was vulgarly termed "whitewashed!" He hoped the measure of his noble and learned friend would be so framed as to admit the execution of the existing Act, as far as the same could be done; and also to give the principle of that Act a fair and adequate trial, as to its operation and effects.

The Bill was then read a first time. On the question for its being printed,

Lord *Holland* took the opportunity to observe, that in his mind, the passing of such a Bill in the way proposed by his noble and learned friend, would have the appearance of completely stultifying the legislature. After what he had heard from the noble lord opposite (lord R.), who, to his credit and honour, had taken so much pains upon the subject; after the legislature had deliberately sanctioned the principle; it would be an acknowledgment that the two Houses of Parliament, having a clear object in view, which had long been accomplished by countries both agricultural and commercial; one House especially, which could command the assistance of the twelve judges, was incapable of carrying such object into execution. Their lordships should "not lay the flattering unction to their minds," that they obviated the evils by a recurrence to a mode of legislature which proceeded upon a principle of injustice; he meant that of temporary Insolvent Acts; nay, if a temporary Bill passed, it might be soon regarded as a virtual repeal of the general Act. He trusted the noble and learned lord opposite would persevere in his laudable endeavours, which hitherto reflected so much credit on him, and attempt to remedy the defects in the existing Act, and to give the country the benefits of its full execution—an Act, against which, in his mind, he had heard nothing that might not be remedied by a Bill of amendment and explanation.

Lord *Ellenborough* said, he was not moved, by any argument of his noble friend, to think that the House, by receding from a former error, would do any thing to stultify itself. They were not yet so far advanced, that these errors might not be consistently removed. That there were defects in the Act, was generally agreed; and it was admitted by his noble friend, that the sooner these were amended the better. The only difficulty was, as to the mode. That which he proposed, appeared to him to be the most commodious form. He was far from friendly to Insolvent Bills; but under the present circumstances, where so strong expectations were excited, it became the legislature, which had so pledged itself, to devise some means by which those could be properly satisfied. There was one point which, he had to observe to his noble and learned friend, constituted a great difficulty in the Act; namely, what respected the Court of Appeal. After some remarks on this part of the Act, the noble chief justice said, it would be better to leave the matter to the discretion of the commissioner, than to render it the subject of appeal, as provided by the Act. Another point was, that the court should have a power of ubiquity, and an authority to extend its jurisdiction into different counties; for, as it stood, those of 52 were crowded into one court. He greatly wished the noble and learned lord could reduce the Bill into such a shape as to be capable of speedy execution. His object was, to remove those difficulties, and remedy those evils, which were so much complained of; and if that were done, he was the less solicitous as to the particular mode.

The Bill was then ordered to be printed.

Militia Service Bill.] Lord *Bathurst* moved the third reading of the Militia Service Bill; and, in answer to a question from the duke of Norfolk, stated, that there were three distinct provisions in the Bill:—1st. Those who volunteered into the line would, both officers and men, be considered as troops of the line, and liable to the same extent of service.—2d. Those who volunteered in militia companies would be formed into provisional battalions under militia officers, and not to be sent out of Europe.—3d. Those who volunteered in larger bodies, of 3-4ths of a regiment, were also to be considered as militia, and their services not to be extended beyond Europe.

The Duke of *Norfolk* declared himself satisfied, and said, that he would do the utmost in his power to promote the object of the measure.

The Bill was then read a third time, and passed.

HOUSE OF COMMONS.

Tuesday, November 23.

Sir William Curtis moved for leave to bring in a Bill to enable his Majesty to accept the services of a proportion of the militia of the city of London, out of the United Kingdom, for the vigorous prosecution of the war—Leave was granted, and a committee appointed.

Duty on Madder.] The House having resolved itself into a Committee, to take into consideration the Duty on Madder,

The *Chancellor of the Exchequer* observed, that the duty, as at present regulated, bore extremely hard on manufacturers of various descriptions. It, therefore, became necessary, particularly now, when a variety of new openings for the trade of this country presented themselves, that the duty should be regulated. In consequence of the fluctuation in the demand for this article under the present system, he was informed, that it varied in price, from 25*s.* to eight or ten guineas per cwt. It was his intention to propose a repeal of the duty as now collected, and to substitute one *ad valorem.* He was aware, that the latter mode sometimes gave rise to disputes between the public and the custom-house officer, as to the value of the article; but the rate he should propose was so moderate, as not to afford any temptation to the merchant to enter the article under its real worth. He should propose the sum of 5 per cent. on the value; and he did not suppose that any person would think it worth his while to make a false entry, for the purpose of procuring a part of so trifling a sum. But even if the revenue were diminished in a small degree, it was more material that the important manufactures of cotton, wool, &c. should not be exposed to ruin by the want of this necessary article, than that the fear of an insignificant loss should induce them to continue the present duty. He then moved —"That it is the opinion of this committee, that the custom-duty at present payable on the importation of Madder, do cease; and, that in lieu of those duties *5l.* be paid on every 100*l.* worth of Madder so imported."

Both Resolutions were agreed to.—The House then resumed.

REPORT FROM THE COMMITTEE OF SUPPLY.] Mr. Lushington reported from the Committee of the whole House, to whom it was referred to consider further of the Supply granted to his Majesty, the Resolutions which they had directed him to report to the House; and the same were read, and agreed to by the House; and are as follows:

1. Resolved, That a number of land forces, not exceeding 236,497 men (exclusive of the men belonging to the regiments employed in the territorial possessions of the East India Company, the foreign corps in British pay, and the embodied militia) commissioned and non-commissioned officers included, be maintained for the service of Great Britain and Ireland, from the 25th of December 1813, to the 24th of December 1814, both inclusive, being 365 days.

2. That a sum, not exceeding six millions, be granted to his Majesty, upon account, towards defraying the charge of his Majesty's land forces at home and abroad, for the year 1814.

LONDON MILITIA.] Sir William Curtis brought in the London Militia Extended Service Bill, which was read a first time, and ordered to be read a second time tomorrow.

Sir *W. Curtis* then stated, that although only a proportion of the London militia were thus placed by the Bill at the disposal of the country; yet, it was the wish and desire of the good citizens of London, in common council assembled, that if government found the services of the country required it, they might consider both regiments as theirs.—He concluded with expressing the zealous disposition of the brave colonels by whom those regiments were commanded, of the officers and men, to be foremost wherever the interests of England and the world might demand their exertions.—(Cheering.)

NEW REGULATIONS IN THE MILITIA.] Lord *Castlereagh* was conscious that only one feeling pervaded the House and the country, on the necessity of exertion at so propitious and so decisive a period, and on the propriety of arming government with extraordinary means.—Any thing, which might have a tendency to increase the disposable force of the country, would, therefore, he was certain, meet with general approbation. He would call the attention of the House to some further regulations, which, he thought, should be adopted in the militia, without altering the principle on which that establishment was founded. He had no doubt, but the ends and wishes of government would be fulfilled by the additional amount of force lately granted by parliament. But it would become a question for them to decide, whether the existing arrangements would be sufficient for the service of the interior, or whether other more advantageous dispositions could not be made to meet any exigency which might possibly arise. As far as he was able to judge, the regular and local militias were, on their present footing, framed and organized in a most excellent manner; but occasions might occur, in which the necessity of those bodies being disposable might urgently be felt. He did not intend to propose any alteration in their constitution and establishment, and would not require from them any other service than that which he felt confident would be found consistent with their own spirit and good will, without any departure from the militia principle. The regulations which he should suggest embraced two heads, the local and the regular militia. They were not, if adopted, to be acted upon immediately; but he only wished government to have the power of accepting extended services from those bodies, should any necessity arise. With respect to the local militia, it was liable to be called into action on two services: in case of rebellion or of invasion. These were not likely now to happen; and notwithstanding the grant of force made by parliament for foreign service, and the magnitude of the armies which we maintained abroad, yet the internal strength of the country was placed on the most satisfactory and encouraging footing. As long as England possessed her local militia and yeomanry, and Ireland her yeomanry, it might be said that an army was left sufficient for the defence of the empire. When it was seen what had been achieved by the Silesian battalions newly raised, and scarcely disciplined (at least in no degree to be compared in that respect with our militia and yeomanry), who would not feel confident in our own internal strength, and, with that description of force alone, secure against all the attempts of an external enemy? It was to be considered, however, that our country contained a large mass of French prisoners, who could not now be properly guarded without some new disposition of our force. It was indeed the peculiar and strange situation of the enemy, that he had left in the hands of his opponents, in those of Prussia, Russia, besides England, and shut up in fortresses, such a number of prisoners as would form, if collected, a larger army than any power in Europe at present possessed. But, however it might become necessary to alter the nature of the services of the local militia, it would be done, he repeated, with as small a departure as possible from the principle of the institution. When every voice in the country and in parliament agreed with his Majesty's ministers in the propriety of increasing and exerting our force, when they were invested with the power which that unanimous consent created, and honoured with the confidence which it displayed, it became their duty more than ever to restrict their measures within due limits, and on no occasion whatever to abuse that authority with which they had been armed, by exceeding the necessities of the case. When he proposed to extend the services of the local militia, he wished at the same time to limit them in point of time. Instead of performing 28 days service in their own county, he would enable them to do it in another, as the exigency might require; and for that purpose would so extend the period of their service, as would allow them to move from one county to another. He thought, the time for going and returning included, the whole need not exceed six weeks. If compared with the points to which it might be necessary to call them, without carrying them to such a distance as would be injurious to their concerns and families, he thought that period would be found sufficient. This was all that he would require from the local militia. As to the regular militia, he only wished the crown to be empowered to accept their services, without the limitations which the law imposes. Instead of the present regulation, by which an interval of four years for the English, and of six for the Irish militia, must intervene between the march of a regiment to either country and its return, he would propose that interval to be reduced to one year, so as to render that force still more disposable than it now was. It would not be necessary to employ all the militia at once; but as exigencies unfolded themselves, the crown would call on certain regiments, to ask whether they were disposed to extend their services to such parts where they might be needed? There were two other points on which he would ask leave to bring in Bills, and which, without departing from the principle of the former measure, he conceived, would give considerable encouragement to the transfer of service from the militia to the line. The first was, that the previous years of service in the militia should not be entirely lost by any man volunteering into the line. Service in the West Indies counted in an increased proportion; he would propose that in the militia to be under an equality with that in the line, but such as to approximate the individual to the advantages which are obtained by length of service in the latter. The other related to the non-commissioned officers in the militia, for whom he thought parliament ought long ago to have legislated. Their situation was truly unfortunate. After 25 years service, a serjeant was either kept in the regiment when unfit for duty, by the charity of his colonel; or if he retired, had no other provision than *5d.* a day. He would now propose, that any militia serjeant volunteering into the line, should, after a certain period of service, be entitled to a certain amount of pension. The details as to the rate of value of previous militia service in the first case, or the amount of the pensions in the second, he should leave to the wisdom of parliament to settle. There was another class whose situation he could not contemplate, as it was so subordinate and inferior to the corresponding class in the line, without astonishment that men of any abilities should be found to enter it. He meant the surgeons in the militia, in whose favour he would also call on parliament to interfere, to approximate their situation to that of surgeons in the line. The last measure he had now to propose would be, to empower his Majesty to augment the 60th regiment, principally composed of foreigners, from seven, to any number not exceeding ten battalions. This, he stated, would be cheaper than forming two regiments of the same description. His lordship concluded by moving for leave to bring in a Bill to enable his Majesty to accept the services of the local militia out of their county, under certain restrictive regulations.

Mr. *Whitbread* had no doubt but this measure of the noble lord's originated in the joyful event which had just taken place in Holland, and which made him desirous to employ a larger force out of this country, to assist that nation to recover its independence. Never did a more favourable opportunity present itself to exert our whole strength, with more confidence of success; and the noble lord need not anticipate any opposition from him, to a measure calculated to facilitate the emancipation of a brave people. But for the presence of the French prisoners, who, he sincerely regretted, still remained in this country, he would say that there never was a moment when less force was required to conduct the police at home. Tranquillity was reigning within our island; and he trusted that the abundant harvest with which Providence had blessed us, the cheapness of provisions returning with returning employment, would maintain it; would dispel any apprehension of its again being disturbed; and would convince men, that the riots which had some time since alarmed the country, were only occasioned by the dearness of provisions, and the want of employment, and had therefore ceased with them. There could be but one voice in favour of our assisting the Dutch. They had already so far succeeded because theirs was a contest of the people, and not of the government. Because it was a contest of the government and not the people, the single battle of Jena had crushed the Prussian monarchy. Because the people and not the government now waged it; the Prussian monarchy was restored. When Buonaparte marched his immense army to the centre of the Russian empire, the people fought, and he was destroyed. In Sweden, the people had rid themselves, with a bloodless revolution, of an oppressive government, and elected in its stead that great captain, whom the noble lord had represented as the author of the plans of the present campaign. They had selected a chief out of the French armies, where he had learned to conquer him under whom he had served; and to the exertions of the Swedish people we were therefore indebted for a portion of the great results now obtained. The energies of the people, at the beginning of the French revolution, had repelled the hostilities of invading nations; and it was not till, happily for Europe, the emperor of France stretched those energies too far, that his power, under the will of an all-wise Providence, crumbled in his hands. It was the people of England that assisted all nations, and he felt confident it would continue to do it with all its power, and with universal spirit and satisfaction. The time of the year was favourable to the collection of a large force, without injuring the interests of the country. The agricultural labours of the year were over; and for a few months, those men who before would have been wanted to reap the harvest and cultivate the ground, might be spared to assist in restoring the independence of Europe. In the hour and exultation of success, however, he wished us not to forget ourselves. He did not believe that any attack on the liberties of the country was intended, or that any effort to obtain an undue increase of influence for the crown was made. Yet it should be remembered, that the present events necessarily created a larger augmentation of influence than ever. He did not urge this in a spirit of hostility, but merely as an admonitory observation. Far from opposing it in the present circumstances, he consented to it; he gave it his feeble support, because he thought it necessary; and however humble he might be as an individual, yet that support was valuable, because it was not given blindly, but with his eyes open to all the inconveniences with which the measures rendered necessary by events might be attended.

Leave was then given to lord Castlereagh to bring in Bills—to enable his Majesty to accept the services of the local militia out of their county, under certain restrictive regulations—to amend the Intercourse Act between England and Ireland, for the purpose of permitting regiments of regular militia to volunteer out of their rotation—and to enable his Majesty to augment the 60th regiment to any number not exceeding ten battalions.

HOUSE OF LORDS.

Wednesday, November 24.

Militia Service.] The royal assent was given by commission to the Militia Service Bill. Commissioners, the Lord Chancellor and lords Buckinghamshire and Walsingham.

Clergy Penalties Suspension Bill.] The Archbishop of *Canterbury* moved the second reading of the Bill. The persons to whom this Bill related were, 1st. Those who, having two livings, had omitted to notify to the bishop their non-residence on one of them. 2d. Those who had neglected to renew their licences in terms of the act of parliament. In regard to the first description of clergymen, the bishop had better means of information than any that could come from the party interested. If the two livings were in one diocese, he had obviously better means; if they were in separate dioceses, each of the bishops must know the fact, by communicating with each other. As to the other description of clergymen, in many cases, no doubt, the neglect had arisen from inadvertence, rather than from any culpable negligence. It could not be expected, that all clergymen should be accurately acquainted with all the modern laws by which they were affected; and many of them might think that they were protected by their former licences, without renewal. He should hope it would appear, that all of them were of a nature which would free them from the imputation of culpable negligence. They were at times considerably embarrassed by the provisions of the several Acts. The Act of the 53d of his Majesty required, that before a licence was given, the incumbent must have nominated a curate to supply the living: six months was allowed by the Act for that purpose; and yet, from the nature of these laws, taken together, a clergyman might be obliged, in order to entitle himself to a licence, to nominate a curate *instanter*. Clergymen, however, who really wished to procure those for whose conduct they would be willing to become responsible, required some time to look about them, and examine into the character of those who applied for the situation. A remarkable instance of this had come under his own observation, where the liability to penalty would be a peculiar hardship: it was that of an incumbent who was rendered unable to do the duty of his cure by severe illness, and who notwithstanding could not have a licence for non-residence until he had appointed a curate; for which he very properly required time to inquire into the character and qualifications of the person to be appointed. Yet this incumbent would be liable under the Act to penalties for non-residence. Of the informer in these cases he wished to say nothing; this person had been secretary to the late bishop of London, and the present bishops of Norwich and Ely; and in that situation had ample means of fixing upon his objects, and rendering his success in suing for penalties certain. If it were possible to suppose, that any individual in such a situation were profligate enough, how easily might he, by his own conduct, nourish the offence, until it was brought to that height which would answer the purpose he had in view. He trusted their lordships, under all these circumstances, would consent to give time, as proposed by the Bill; and to suspend for a period the actions which had been thus commenced.

The Bishop of *Chester* expressed his high sense of the very favourable indulgence granted to the clergy on this occasion, by both Houses of the legislature. It was shewn, however, to a body of men who were not undeserving of it. The community was indebted to the exertions and example of the parochial clergy for not a few of those advantages which, in a temporal as well as religious point of view, it enjoyed.

The Bill was then read a second time, and ordered to be committed for Friday.

Lord *Holland* presented a short petition from Mr. Wright, praying to be heard by counsel against the Bill. The petition was laid on the table, and it was ordered that he be heard by his counsel on Friday.

HOUSE OF COMMONS.

Wednesday, November 24.

Ways and Means.] The *Chancellor of the Exchequer*, in a Committee, moved that a sum of 10 millions and a half of Exchequer bills should be issued for the service of Great Britain. He thought it right to state, that from the regular system of taking up the Exchequer bills monthly, the quantity now in circulation did not much exceed that of January last.

The Resolution was agreed to, and ordered to be reported to-morrow.

Lord *Castlereagh* brought up the Bill for the augmentation of the 60th regiment from seven to ten battalions; as also the Bill for extending the provisions of the Act of the 46th of the King, to serjeants in the militia. He also brought up the Bill, for enabling his Majesty to accept of the voluntary offers of the local militia, for an extension of their services to a time to be limited; and a Bill for amending the 51st of the King, with respect to the interchange between the militias of Great Britain and Ireland.

These several Bills were read a first time, and ordered to be committed to-morrow.

HELLESTONE ELECTION.] Mr. *Bankes* moved the second reading of the Hellestone Election Bill. He then proposed, that the blank in the Bill respecting the amount of freehold which should give a qualification to vote, should be filled up, by inserting ten pounds. He argued at some length on the great depreciation of money since 40 shillings was the qualification for a vote; and thought it was only bringing back the constitution to its original principles, to require such a qualification as would place the elector above the necessity of corruption.

Mr. *Swan* contended, that the effect of such an alteration would be to disqualify the many who were the furthest removed from corruption, and give the elective franchise to those who were the most corrupt. It was notorious, that in Cornwall it was among the most opulent that corruption had taken the deepest root, and established itself into a system. He believed that there was not a peer in Cornwall who did not hold his rank from corruption of this sort. He was sure, however, that the effect of such an alteration would only be, to transfer the borough to one or two peers who could decidedly influence the few ten-pound freeholders to whom it was proposed to give the right of election exclusively.

Mr. *Grenfell* preferred the qualification remaining at 40*s*. to its being altered to 10*l*. At the same time, he did not mean to allow, that all the peers in Cornwall owed their rank to corruption.

A long conversation then took place, in which Mr. Tremayne, Mr. Lockhart, Mr. Rose, Mr. Serjeant Best, Mr. H. Sumner, and other gentlemen, took a part. It appeared to be the general sense of the House, that it was better to retain that which was the common qualification required all over England.

Mr. Bankes's amendment was then negatived, and the blank filled up by the words "forty shillings."

On the second paragraph, Mr. Serjeant *Best* observed, that as the House, on account of the notorious corruption practised at this borough, thought proper to disfranchise the present electors, he thought it would not be right that the mayor should be allowed to be the returning officer. In all elections, it was a matter of some consequence who was the returning officer. He thought the sheriff should be appointed the returning officer; and there would be no more inconvenience in his executing it by deputy, than the sheriffs of London found, who were also sheriffs of Middlesex; or than the sheriff of Cambridge did, who was also sheriff for Huntingdonshire.

Mr. Serjeant Best then moved that this clause be added to the Bill, "That the sheriff, or the under-sheriff of the county, should be the returning officer."

Mr. *Swan* was in favour of the clause.

Mr. *Bankes* thought it was not of importance to alter the returning officer, and was rather inclined to think that the mayor should continue to act in that capacity.

Mr. *P. Grenfell* opposed the clause.

Mr. Serjeant *Onslow* was decidedly in favour of it.

After some observations, on the part of Mr. Hammersley, Mr. Tremayne, and Mr. Lockhart, the last mentioned gentleman moved, that the part of the clause, empowering the under-sheriff to act as the returning officer, should be omitted.

Mr. Serjeant *Best* had no wish to press that part of the clause, not conceiving it to be material to his object.

The words—"or under-sheriff," were then ordered to be left out; and the clause, "that the sheriff of Cornwall, for the time being, should act as the returning officer," was ordered to stand part of the Bill. The other clauses were then gone through, and (the House being resumed) the report was ordered to be received to-morrow.

HOUSE OF LORDS.

Thursday, November 25.

LOAN INTEREST BILL.] On the motion for the second reading of this Bill, The Duke of *Norfolk* said, that he had always considered the sinking fund as the chief anchor of our credit, and the only source from which we could look to the extinction of the national debt, which had been so prodigiously accumulated (he did not say unnecessarily) within the last 20 years. Many thought that the finance plan of last year, of which this Bill formed a part, trenched on the principle of the sinking fund. The noble lord of the Treasury however, who certainly had considerable experience, had stated his belief, that it did not trench on the principle of the sinking fund. All, therefore, agreed, that the principle was rigidly to be adhered to. But it ought to be kept in view, that there were many of great knowledge and experience, who thought that the finance measure of last year did trench on the sinking fund system, and, therefore, ministers ought to be cautious; for, however severe the taxes might be for the moment, the burthen ought to be borne rather than trench on the sinking fund. In future loans, too, the minister ought, even at the expence of temporary inconvenience, to borrow in the higher funds; for the obvious reason, that the debt would be more easily discharged when they came to pay at par.

Lord *Liverpool* said, that the sinking fund system, as proposed by Mr. Pitt in 1786, was one of the wisest measures that had ever been adopted by parliament. He knew there was a difference of opinion as to the nature of the plan of last year; but he, and others who thought with him, had contended, and contended successfully, that it was no violation of the principle of the sinking fund; and the state of the money market, as well as the opinions of those most conversant with it, afforded a strong presumption that they were in the right: the loan had been procured on more favourable terms than when no such measure was in contemplation, though he acknowledged that this was not a certain criterion, since the terms of the loan might be affected by other circumstances. In the mean time, it was a great advantage, that the country had been able to make the prodigious exertions which it had lately made without any addition to the taxes.

The Bill was then read a second time.

HOUSE OF COMMONS.

Thursday, November 25.

Mr. *Whitbread* presented a Petition from several debtors confined in the King's-bench prison, complaining of various hardships and grievances sustained by them. Those statements, the hon. member observed, if true, contained much matter of serious charge against the person or persons entrusted with the regulation of the prison. He did not, however, mean to pledge himself to the accuracy of the allegations set forth in the Petition; neither did he know that they were inaccurate. In presenting it, he had merely done what he conceived it was his duty to do as a member of parliament.—Ordered to lie on the table.

Report from the Committee of Ways and Means.] Mr. Lushington reported from the committee of the whole House, to whom it was referred to consider further of Ways and Means for raising the supply granted to his Majesty, the Resolution which they had directed him to report to the House; and the same was read, and agreed to by the House, and is as follows:

That, towards raising the Supply granted to his Majesty, the sum of 10,500,000*l.* be raised, by Exchequer bills, for the service of Great Britain.

HOUSE OF LORDS.

Friday, November 26.

The royal assent was given by commission, to the Malt Duty, Loan, and Local Token Bills. Commissioners, lords Eldon, Harrowby and Walsingham.

Clergy Bill.] Mr. Serjeant Copley and Mr. Heath appeared for Mr. Wright, against the Clergy Penalties Bill; the latter not heard. Mr. Serjeant Copley, after shortly adverting to the Acts for compelling the residence of the clergy on their livings, and the great importance of having that object enforced, stated, first, that Mr. Wright had a vested interest in the result of the actions, upon the same grounds that others held their property. He was injured by the present Bill: 1st, inasmuch as reports had gone abroad, that he himself had led the defendants into the commission of the offence; an imputation that was in some measure countenanced by the preamble of the Bill, which stated the proceedings to be vexatious. Mr. Wright had made enquiries into the circumstances of each case, and where there appeared not a legal, but even a moral excuse, had desisted from the action. He had expended very considerable sums of money in commencing these actions. He might sustain the loss of the fruits of the action, by the death of parties, and also the costs; and he himself might die during the suspension, and the whole of the costs and every thing else might be lost to his representatives.

Lord *Ellenborough* said, there ought to be some evidence that the actions had been brought; persons might otherwise claim to be heard at the bar, merely on their own allegation that they had an interest. Had the counsel the writs to shew, or at least to give in?

Mr. Serjeant *Copley* stated, that they had not the writs; but they were ready to prove by the attorney, that the actions were brought.

The *Lord Chancellor* asked, what was the number of actions in all?

Mr. Serj. *Copley* said, there were about 200 brought by Mr. Wright, and about 100 more by others.

The *Lord Chancellor* said, they had nothing to do with those that were brought by Mr. Wright's procurement, but only with those brought by himself. These last were, as to this purpose, alone his actions.

Mr. Serj. *Copley* said, he could not state, that the remainder of the actions were brought by Mr. Wright's procurement. He knew nothing about them; but about 200 were brought in Mr. Wright's own name.

The *Lord Chancellor* said, that was all the House wanted to know.

Counsel were then ordered to withdraw; and the Bill was committed and reported without further observation.

HOUSE OF COMMONS.

Friday, November 26.

The House was summoned to the Lords; where the royal assent was given, by commission, to the Loan Bill, the Malt Duty Bill, and the Local Token Bill.

MARINE MUTINY BILL.] On the question for the second reading of the Marine Mutiny Bill,

Mr. *Bennet* expressed some surprise at this Bill being hurried through at such an early period of the session.

Sir *George Warrender* said, it was necessary that the marines, when serving on shore, should be subject to regulations similar to those of the land forces. The objection in point of time would have been better when his noble friend (lord Castlereagh) moved the Annual Mutiny Bill.

Mr. *Manners Sutton* observed, that when the House had come to the resolution of the number of men to be voted for the service of the year, it appeared almost a matter of course, that the Mutiny Bill should be brought in for their regulation.

Mr *Whitbread* could by no means agree with the hon. and learned gentleman, that this was a mere matter of course. Nothing but circumstances of a very peculiar nature could justify the highly unconstitutional introduction of a new Mutiny Bill, at a period so premature. The existing Act would not expire until the 25th of March. It had hitherto been the invariable practice not to introduce a new Bill, until such a period of the session as would just allow of its receiving the royal assent before the expiration of the old. It was certainly easy to see, that under the existing circumstances it might be convenient for parliament to give the crown the power which this Bill conveyed for 16 months, instead of for a year, as usual; but a distinct and good cause must be stated for so doing. If the hon. gentleman or the noble lord opposite would say, that under the present circumstances the approaching adjournment might be so much extended as to render it a matter of inconvenience to pass the new Bill before the expiration of that now in force, he would not object to it; but he repeated, that something more was necessary than the explanation given by the hon. baronet.

Lord *Castlereagh* said, he was perfectly prepared to concur in the general reasoning of the hon. gentleman on this subject; but he hoped, that under the peculiar circumstances of the present period, there was nothing to rouse the jealousy of parliament, or to induce them to believe that the crown wished to possess the power which this Bill conferred for any other purpose than for the sake of public convenience. In the existing state of affairs, it was the opinion of the crown, that parliament might adjourn to a period so distant, probably the beginning of March, as would render it difficult to pass the new Bill before the expiration of the old one. He was sure the hon. gentleman, and all who heard him, would agree in the expediency of not running the slightest risk of having no law in existence on this subject. The Bill was proposed as a matter of essential convenience; and the adoption of it could not be adduced in future as a precedent, under circumstances of a dissimilar nature.

Mr. *Whitbread* was perfectly satisfied with the statement made by the noble lord. All that he was anxious about was, that the present practice should not form a precedent, which, if it were to pass wholly unnoticed, it might do. He should not have risen again, but for a single word which had dropped from the noble lord in the course of his observations. The noble lord had said, that in the judgment of "the crown," a long adjournment might take place. Now, as it was to be an adjournment, not a prorogation, he did not see what the judgment or opinion of the crown had to do with it.

Lord *Castlereagh* replied, that it was by no means inconsistent with the prerogative of the crown to communicate to parliament the expediency of an adjournment for any particular purpose; which communication was generally answered by an adjournment, as a matter of course. All, however, that he meant to say on the present occasion was, that in the judgment of the ministers of the crown, the general state of affairs was such, that the meeting of parliament, after the recess, might be deferred until a period somewhat later than ordinary.

The Bill was then read a second time, and ordered to be committed on Monday.

East India Sugar Duties.] The House having, on the motion of the Chancellor of the Exchequer, resolved itself into a committee on the East India Sugar Duties;

The *Chancellor of the Exchequer*, in a tone of voice which would not allow us distinctly to hear his statement, proceeded to make the propositions of which he had given notice. He observed, that considerable alarm had been excited among the West India interest on this subject, and that it was most desirable to afford that interest a just protection. It was his intention to propose such an increase of the duties on East India sugar, as, compared with the duties on West India sugar, would make them 10*s.* a cwt. higher. That increase would be 6*s.* 6*d.* a cwt.; and he considered that it would afford a sufficient protection to the West India merchant. This higher duty, however, was to extend only to a certain price; and when sugar should be imported at 60*s.* a cwt. the increased duty on East India sugar was to diminish 1*s.* on every shilling of advanced price. He had communicated on the subject with the best informed persons on both sides of the question; and he trusted, that the proposition which he was about to make would, under all the circumstances of the case, be considered the most expedient that parliament could adopt. The right hon. gentleman concluded by moving his resolution.

Mr. Alderman *Atkins* observed, that the measure proposed by the right hon. gentleman might be a very proper one as it regarded the dealers in sugar; but that permission to import East India sugar would materially affect and injure the shipping interest, by the great encouragement that it would afford to India-built shipping. He trusted, that the proposition would not be hastily acceded to, but that due time would be given for its consideration.

Mr. *Benson* observed, that opportunity would be given for its consideration during the progress of the Bill through the House.

The *Chancellor of the Exchequer* said, that the hon. gentleman who had just spoken had anticipated the observation he was about to make. He allowed, that the matter was of great importance, and deserved serious consideration. He could not think, however, with the worthy alderman, that the shipping interest would be materially affected by it, when he considered the disadvantages under which East India sugar must at all events come to this country. It was only brought as a dead weight, and in a certain degree to defray the expences of the vessels. It was by general trade, and not by the importation of sugar, that the East India shipping was augmented.

Mr. *Marryatt* compared the freedom of the East India trade with the restrictions under which that from the West Indies laboured. It was a well known fact, that for the last twenty years the West Indies had supplied the mother country with sugar at a much cheaper rate than that at which it had been manufactured. Half the estates in Jamaica and the other islands had in consequence been sold, or given up to creditors, within that period. The duty had fallen on the planter, not the consumer. It was true, that hitherto ships from the East Indies had been chiefly ballasted with saltpetre. But now the trade would be open to all adventurers;

most of whom, not being able to procure saltpetre, would ballast their ships with sugar, to the utter ruin of the West Indies. In Bengal, sugar sold at 12*s.* a cwt.; in the West Indies it was 30*s.* being a difference of 18*s.* a cwt. in favour of the East India planter. A Hindoo labourer (as had been stated in the committee of last session) cost but about 6*s.* a month—a West Indian, almost as much a day. The quality of the East India sugar also was excellent. It equalled the best of Barbadoes flake; and although it was not what our Custom-house officers called flake sugar, he was persuaded that it underwent some refining process in India. On all these considerations, it appeared to him, that the West India planters were fairly entitled to retain the monopoly of supplying this country, to which they paid every species of taxation that could well be devised. To the West Indies, at present, British manufactures to the value of 7 or 8 millions sterling were annually exported. In the West India trade, 25,000 British seamen were employed. To the East Indies no manufactures would be exported; and in the trade, Lascars would be principally employed, to the great deterioration of our naval force. In fact, the East India trade had never been so productive of hands for the navy as that of the West Indies. Ships engaged in the latter were obliged to take a certain number of apprentices, in order to make good the drafts from them to supply the waste and casualties in his Majesty's navy: but this had not been the case with East Indiamen. The East Indies had ruined the West Indies wherever the two trades had interfered. They had destroyed the trade of the West Indies in indigo and cotton. The only staple commodity left to them was sugar, and of that he trusted they would not be deprived.

Mr. *C. Idle* could not allow that the restrictions on the trade of the West Indies were so great as they had been represented by the hon. gentleman. They were permitted to export sugar, coffee and cocoa, to all parts south of Cape Finisterre; and the other restraints were only nominal.

Mr. Alderman *Atkins* said, that, notwithstanding all he had heard, he must repeat, that the objections he had before mentioned still struck him to be of considerable importance. He viewed the Bill with jealousy, and was averse from the measure as it now stood; for he thought it would be the means of raising the price of sugar on the home-consumer; and as sugar was an article of necessity already bearing a very high price, any further rise of price must be very severely felt by our manufacturers, and all the lower classes of the people. He adverted to the large bounty on the exportation of sugar from this country to the continent, which he conceived ought to be diminished.

The *Chancellor of the Exchequer* referred the worthy alderman to the 35th of the King; by which it was provided, that as the price of sugar increased, that bounty should diminish; thereby making the foreigner participate in the burden.

Mr. *W. Smith* observed, that the statements and reasoning which the committee had heard from gentlemen on both sides, with regard to this measure, but particularly from his hon. friend under the gallery (Mr. Marryatt), were calculated to excite very serious reflections, into the consideration of which, however, he did not at present propose to enter at any length. Still he could not help saying, that although he would be one of the last to recommend any proceeding likely to produce a convulsion in trade, or a serious injury to any class of merchants, the main object of legislative consideration being the interest of the public, he could see no objection to the revision of any commercial system to effect that object. Into this train of reflection he was naturally led by the comparison which had been drawn by his hon. friend (Mr. Marryatt), with respect to the produce of our West and East India possessions. According to his hon. friend, the produce of our western colonies was in every respect beaten out of the market by that of the east, with the exception only of sugar. Then it would appear, that the whole produce of the West India colonies was a forced cultivation, kept up for some sinister purpose, merely to answer the ends of individuals, but by no means with the view to cheapen the price to the consumer—to answer the interest of the public. Was his hon. friend aware what an onus he imposed upon himself by this assertion?—that he became bound to prove this proposition, that advantages arose to this country from the East India monopoly, which more than counterbalanced the admitted disadvantage of an enhanced price of sugar to the public in order to favour the West Indian produce, by giving it a decided preference in our market to that of the East, as the measure before the committee proposed. In dwelling so much too upon the obligation imposed upon the West India planter, by our monopoly, to purchase British manufactures, was his hon. friend prepared to maintain this proposition, that the British manufactures were dearer than others, and that our colonists would rather deal for the others, if they were not restrained by the monopoly? Possibly his hon. friend might undertake to sustain the proposition; but obviously the undertaking would not be popular among our manufacturers, or perhaps likely to succeed. These reflections the hon. member said he thought it his duty to throw out for the consideration of others; and he concluded with expressing a hope, that the Bill which it was proposed to ground upon the Resolution before the committee, would not be brought to a conclusion until after the recess; as the fullest time should be afforded for the due examination of such an important measure.

Mr. *Marryatt* said, he had no doubt, that should his hon. friend, who had just sat down, think proper to bring forward any proposition with respect to the commercial system of our West India colonies, the House would willingly give it all due consideration; for himself he should say, that he would be most ready to attend to it.

The Resolution was agreed to.

HOUSE OF LORDS.

Monday, November 29.

Insolvent Debtors.] Lord Redesdale presented his Bill for amending the Act of last session, for the relief of Insolvent Debtors; which was read a first time, and ordered to be printed.

Lord *Ellenborough* moved the second reading of his temporary Insolvent Debtors' Bill; wishing that it might go through this stage in regular course, in order that, in the event of its not being found practicable to render the Act of last session effectual for its object, this Bill might pass before the recess.

Lord *Holland* remarked upon the inconsistency of sanctioning a Bill, professing to repeal the Act of last session, at the same moment that they entertained a Bill for amending that Act.

Lord *Redesdale* also observed upon the inconsistency of sanctioning a Bill, the principle of which was to repeal the Act of last session, whilst a Bill was before the House to amend that Act. With respect to the difficulties stated to exist in the execution of the Act of last sessions, persons had been industriously employed to disseminate objections which did not exist in point of fact, while the difficulties that had really occurred might be easily obviated. His lordship then entered into a detail of some length, for the purpose of shewing the ease with which the real objections to the Act might be got rid of, by declaring and enacting the power of the commissioner to remove from place to place; by declaring and enacting the express obligation upon gaolers to bring up their prisoners; by appointing an officer to take a provisional assignment of the debtor's effects, similar to the clerk of the peace at the sessions; by repealing the court of appeal; by substituting a recognizance, to be given by the debtor (as to the liability of his future property, under the direction of the court), instead of an engagement; and, finally, by giving a discretionary power to the commissioner to authorize justices in quarter session to discharge debtors; reserving to himself to have persons brought before him, where he saw a necessity for investigation, which would happen comparatively in but few instances. This latter clause, if the House agreed to add it to the Bill in a committee, would answer all the purposes of the noble and learned lord's temporary Bill, without the objections which applied to all temporary insolvent Acts. Under Acts of the latter description, the future property of the debtor was rendered liable, but in a manner that rendered it only attachable by bringing actions; and thus it might happen, that one creditor obtaining execution might get all the effects of the debtor, nothing being left for the other creditors, while the debtor might by this procedure be ruined. Under the Act of last session, on the contrary, the future property was only rendered liable, subject to the discretion of the court; and thus, if he attained the means, a gradual mode of payment might be resorted to, under the authority of the court, which would preserve the debtor from ruin, and be more just to the creditor, in the equal distribution of funds for payment.

Lord *Ellenborough* was desirous of its being distinctly understood, that he had thrown no obstacle in the way of the Act of the last session: but on the contrary he had suggested many propositions for what he considered the improvement of it. He still urged the second reading of his Bill, that it might be in readiness in case it could not be found practicable effectually to amend the Act of last session.

Lord *Redesdale* did not mean to accuse the noble and learned lord of throwing difficulties in the way of the Act of last session; but where some officers attended the court, whilst others chose to disobey the orders of the commissioner, without assigning any reason for so doing, it was clear that a disposition existed somewhere to thwart the execution of the Act. As to the suggestions of the noble and learned lord, they chiefly related to the form of the jurisdiction to be erected.

The *Lord Chancellor* was desirous of giving every possible assistance to render effectual the act of the legislature. He thought, however, that it would be advisable to forward the temporary Bill a stage, in order that it might be available before the recess, in case they should be unable to agree upon a proper Bill for amending the Act of last session.

Lord *Holland* was decidedly hostile to pressing a temporary Insolvent Bill at the present moment; particularly a Bill which stated, what had not been proved, that the Act of last session had been found ineffectual. It was not his practice to deal in insinuations: it might have been by accident that the commissioner was not appointed till two months after the passing of the Act; it might have been by accident that the marshal of the King's-bench, when the court at length met, chose to disobey the order of the court, and to assign no reason for such conduct; but, with all the circumstances in view that were notorious to the public, it was a little too much to say that the Act had been found ineffectual; particularly when, after all, the difficulties started had been found to be merely such as might be easily removed. He could not consent to resort to the mischievous principle of temporary Insolvent Bills, when they had the sound principle of legislation before them already, embodied in an Act which only required some trifling amendments. It was an observation of Mr. Horne Tooke's, when substitutes were resorted to in a time of scarcity for fine flour, "Do not," says he to some persons, "touch the barley brown bread now offered to you as a substitute; for if you do you will never get a morsel of white wheaten bread as long as you live." So he would say; do not resort to the mischievous temporary palliative of Insolvent Bills, when you have the means of rendering effectual an Act founded on a great principle of legislation.

The *Lord Chancellor* admitted that there was an irregularity in agreeing to the second reading of the temporary Bill while the amending Bill was in progress; but still it was necessary that the temporary Bill should be in such a state of forwardness as to render it possible to have it passed before the recess, in case the other should be found incapable of execution; and therefore the irregularity must be submitted to.

The temporary Bill of lord Ellenborough was then read a second time, with an understanding that it should be committed on Thursday.

HOUSE OF COMMONS.

Monday, November 29.

Lace and Stocking-frame Bill.] Upon the motion of Mr. H. Addington, that the Bill for continuing the Act for inflicting the punishment of death on all persons convicted of maliciously breaking such frames, or cutting any lace or stockings in such frames, be read a second time,

Mr. *J. Smith* rose and expressed a wish, that as peace and tranquillity were now, and had been for a considerable time back, completely restored in the districts to which the Act referred to was originally intended to apply, the severe penalty prescribed by that Act should cease. He saw no objection to a Bill for extending to lace-frames the same provisions which, according to an old statute, applied to stocking-frames; because otherwise, should the Act under consideration be repealed or allowed to expire, the lace-frames would not enjoy the due protection of the law. But he had serious objections to the continuance of a law which he would take the liberty of saying was wholly ineffective; he knew from local observation, that the penalty of death had the effect of indisposing persons to prosecute for such offences as the Act had in view, and therefore there had been no conviction under it. Much information had indeed reached him which fully satisfied his mind upon this subject. He would be the last man in the world to resist any measure calculated to prevent such outrages as disturbed certain parts of the country when this Act was originally enacted; but he was then,

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as well as at present, persuaded, that the penalty prescribed was too severe. He was also persuaded, that the persons concerned in those outrages were, as they themselves had long felt, actuated by mere delusion; and from this circumstance, combined with the communication which he had had with the right hon. mover, he was induced to think that there was no reason whatever to apprehend any recurrence of the outrages against which this Bill proposed to provide. Of course there was no necessity for its adoption. But even if such outrages should unhappily recur, he was decidedly of opinion, that an Act, imposing the penalty of transportation for seven years upon the delinquents, would be more effective in putting them down, than the Act which the hon. mover proposed to continue.

Mr. *H. Addington* expressed his happiness in confirming the statement of the hon. gentleman, that tranquillity was completely restored in the districts alluded to, and therefore he should be the last person to originate the measure under consideration. But finding the Act in existence, and aware of its influence in putting down an alarming disturbance, he thought it his duty to propose its continuance, as a matter of prudence and precaution, to guard against the possible recurrence of any such outrages, and in the hope that it would operate *in terrorem*, to prevent crime. The right hon. gentleman added, that he intended only to move the continuance of the Act for one year from the 1st of March next.

Sir *Samuel Romilly* said, that he could not think the House disposed to accede to this measure upon such grounds as were stated by the right hon. gentleman. In fact the right hon. gentleman had not offered any reason whatever to justify the adoption of his measure, but brought it forward apparently as a mere matter of course; and such was the right hon. gentleman's line of proceeding upon a measure of no less importance than the infliction of a capital punishment—than the increase of our already enormous mass of capital offences. The House, in considering this question, should bear in mind the circumstances under which the Act referred to was originally passed. A conspirary prevailed in certain parts of the country—houses were broken open in the day-time, stocking and lace frames were destroyed; and to meet those evils this Act was adopted, by which that, which before was a simple felony, was rendered a capital offence. The minister (Mr. Perceval) however, who supported it, with the Secretary of State also (Mr. Ryder), declaring that the peculiar circumstances of the crisis alone urged them to bring forward such a measure, which they by no means proposed to render permanent, its continuance was limited to two years. But now that the disturbances which formed the argument in support of this Act had so long ceased—now that tranquillity was completely restored—that the temporary evil which gave birth to the Act was removed—nay, now that tranquillity was not only restored, but the very causes which were known to have occasioned the disturbances complained of were entirely done away—when the distresses of commerce and manufactures had totally disappeared—when such a state of things had arisen, as the most sanguine imagination could not have anticipated at the enactment of this extraordinary law, it was proposed to extend its duration without any plea whatever, either of existing or probable necessity. The very authors of this law could never have calculated, that by or before the 1st of March, 1814, the distresses that gave rise to the outrages against which they legislated would so entirely disappear, that our old channels of commerce should be re-opened—that our manufactures should be restored, and our manufacturers in full employment—and under such circumstances where could be the occasion for continuing the law under consideration? He should be glad to hear from any advocate for the motion, against what description of evil he thought it necessary to provide, by continuing this law beyond the 1st of March, 1814, or what sort of danger was to be apprehended from its discontinuance? If, then, no cause could be assigned, he could not conceive it possible that the House would consent to continue the existence of a capital punishment merely as a measure of caution against imagining a 'possible' evil, as the right hon. mover had stated. It was admitted, that there had been no conviction under this Act; but it was foretold at the time of its enactment, that the severity of the punishment of death would serve to prevent prosecutions; therefore the Act was not enforced. But, in fact, the whole of the evil referred to, or its possible recurrence, might be fully provided against, as his hon. friend behind him (Mr. Smith) suggested, by extending the Act which applied to stocking-frames to lace-frames also, with, however, a mitigated penalty in both cases. With respect to the statement of the right hon. mover, that although he would not originate the law under consideration, he thought it his duty to propose its continuance, because he found it upon the Statute-book: it appeared to him (sir S. R.) of a most extraordinary nature, as a general motive for legislation. But as to this particular Act, how was the House to view a proposition calculated to put to hazard the lives of men, merely because an act passed under totally different circumstances was still to be found on the Statute-book? If the right hon. gentleman felt so much regard for the value of the statute, he ought to have some respect for the opinion of its authors; and according to that opinion, this statute ought to terminate in March 1814. But really, according to the kind of argument adduced by the right hon. mover, this statute might have unlimited duration. For although he proposed its re-enactment for only one year, the argument he used in support of the proposition, namely, the appearance of the Act on the Statute-book, and the propriety of providing against any 'possible' disturbance, might be urged again in the next year. The reasoning that was held good by the right hon. gentleman might be so deemed by those who followed him in office, and so on in succession.

Mr. *B. Bathurst* observed upon the grounds alledged by the learned gentleman for the repeal of the law under consideration; namely, the state of the country, and the severity of the punishment prescribed by the law. As to the first ground, the question for the House to decide was, whether, from the short time that had elapsed since the disturbances had ceased against which the law was pointed, it would be prudent to repeal it; for himself, he could have no hesitation in deciding in the negative; and he felt that many circumstances might be adduced to justify that decision. Then, as to the second ground, it was asserted that the law was inefficient—that there had been no convictions under it, because there had been no prosecutions, in consequence of the severity of the punishment. But no facts were quoted to sustain this assertion. If, however, there were no such facts, which might be doubted, he should still maintain, that although some men were prevented from prosecuting by this severity of punishment, he was entitled to assume that very many more were prevented from crime by the same severity. That this law had operated to prevent crime in the disturbed districts, he had not the least doubt. It was, indeed, to be recollected, that tranquillity had been restored in these districts before any change took place in our commercial circumstances. To what then was this restoration of quiet to be attributed, unless to the efficient operation of the law, and the improved temper of the people? But to return to the allegation that this law was ineffective, because there had been no convictions under it, because it was not enforced; the House must remember, that at the time this law was under discussion, it was much dwelt upon that the Stocking-frame Act had never been enforced. Now as the latter Act, which was known to exist, and prescribed transportation, did not operate to prevent crime, was it not fair to calculate, that the severity of the punishment prescribed by the former did, by inspiring terror, operate such prevention? for the cessation of crime did immediately follow such enactment.

Mr. *Horner* supported the argument of sir Samuel Romilly, illustrating the severity of the law under consideration, by stating, that even an apprentice, who should wilfully cut any of his master's stockings or lace in the frames, or any of the utensils used in the machinery, would be, under this Act, liable to capital punishment, without any proof of confederacy or combination whatever; while the master would be subject to punishment for misdemeanor, if he declined to prosecute the apprentice detected in such an act. After pointing out this case, which could not be denied, he thought it unnecessary to urge any farther argument against the cruelty and injustice of a law, which the right hon. mover notwithstanding proposed to continue, without even the plea of necessity. There might be circumstances which would render that an offence at one time, which would be quite innocent at another. An act of parliament had once existed against drinking healths, because that was a badge of hostility to the crown—the sign of a disloyal conspiracy. The cutting of stockings or lace might two years back be deemed a capital offence, because such was the conduct of a dangerous combination; and yet such cutting might be consistently met at this day by a much less severe punishment, because the combination had ceased to exist. Indeed, he could see no reason for retaining the capital punishment in the Act under consideration. In point of fact, this Act had never been enforced either at the commission or elsewhere, the delinquents which the Act professed to have in view being all met by the old established laws of the land. By that law he wished the country to be governed, and it was quite disarranged by such statutes as that under discussion. Such statutes, indeed, as were too severe in comparison with the offence against which they professed to provide, only served to put the ingenuity of the judges in action, in order to evade them. Unfortunately such statutes were to be found. Under the Stabbing Act, for instance, which imposed a capital punishment upon any man who stabbed another, even though death did not ensue, unless the other had a weapon in his hand; he remembered a case in which a humane judge ruled, that a coachman's whip, held in the left hand and resting upon the ground, was a weapon which served to save the prisoner from the penalty of the Act. But how would any judge feel, if an apprentice were brought before him under the circumstances he had described, subject to the severe visitation of the law under discussion; against the continuance of which, without even the shadow of necessity, he entered his decided protest?

Mr. Serjeant *Best* admitted the general reasoning of the last speaker, but denied its application to the measure before the House. He said, the law had been found beneficial, and that was an argument why the House should continue it.

Mr. *Abercromby* opposed the continuance of the Act, on the same grounds as Mr. Horner, and used nearly the same arguments.

Alderman *C. Smith* was in favour of the Act being continued.

Mr. *Courtenay* lamented the discussion that had taken place, in consequence of the predilection of the right hon. gentleman opposite (Mr. H. Addington) for a former measure. The Bill now would become an instrument of cruelty against many who might be brought within its operation, though originally directed against a very different description of persons—those engaged in illegal combinations. Nothing but necessity could justify such a measure as the present; and the necesssity having ceased, the measure of course ought not to be revived. It was now unnecessary with respect to those against whom it had been generally directed, and would be cruel and oppressive to others.

Mr. *H. Addington* admitted, that there no longer existed a necessity for the measure. The office, with which he was connected, carried on a correspondence with most parts of the kingdom; and in that correspondence nothing had appeared that called imperiously for the present Bill; but from the recent date of the disorders for the suppression of which the Bill had been enacted, he was led to infer, that it still ought to be continued, as a measure of precaution and prevention, which had originally been productive of the most beneficial effects.

Mr. *Lockhart* said, that the present time was very different from that when the Bill had been introduced into the House. Conspiracy and murder, with crimes approaching to high treason, then prevailed in the districts assigned for its operation; and the penalty of death which it imposed served as a warning to the country at large. The crimes, however, which he mentioned, were now all done away, and not a loom was now unemployed, unless from want of hands to work it. He should vote now against the Bill, for the same reason that he had formerly voted for it.

Mr. *Brown* should be guided by the necessity of the case, and no necessity now existed; he did not choose to legislate upon speculative grounds.

Mr. *H. Addington* disclaimed any such intention.

A division then took place.

For the second reading, 37—Against it, 15—Majority, 22.

East India Trade.] Lord *Castlereagh* stated, that it was essential to carrying into effect the Act of last session, that bullion should be found to carry on the trade with India; and that, therefore, a trade must be carried on with Asia and Africa, under certain limitations, particularly respecting the trade to the Mediterranean. At present, he should steer clear of the question about India-built shipping, reserving that as a subject for future and distinct consideration. The noble lord concluded, by moving for leave to bring in a Bill, to regulate the trade of the subjects of this kingdom to and from any of the countries within the charter of the

East India Company, and also to other countries not comprehended within the limits of that charter.

Mr. Alderman *Atkins* thought, that while the Navigation Act subsisted, the commerce of this country had nothing to fear from foreign competition.—Leave was given to bring in the Bill.

MUTINY BILL.] In the committee on this Bill, the hon. Mr. Bennett wished to know if the Act, as it at present stood, authorised solitary imprisonment? He knew that that mode of punishment had been resorted to, and was inclined to believe it had been abused.

Mr. *M. Sutton* stated, that very few instances had occurred of solitary imprisonment. If, by the Act as now worded, courts martial had not that power, they ought to have it; but he was inclined to think that the term imprisonment included all kinds of confinement whatever.

Lord *Palmerston* moved a clause to prevent persons, not authorised, from advertising for recruits; which was ordered to stand part of the Bill.

Mr. *Bennet* again rose, and, after alluding to a number of cases which had come to his knowledge, of a degree of severity and cruelty in the infliction of corporal punishment, which made the blood run cold, the hon. member moved a clause, that any officer attending the first execution of a sentence, and suffering the remainder to be afterwards inflicted, should be cashiered.

Sir *Samuel Romilly* said, that he might refer to a high authority in that House, who had stated it to be, in his opinion, illegal to bring out a man a second time to receive the remainder of his punishment, after he had once suffered as much pain as human nature was capable of enduring. Besides, the terror of this renewal of the punishment was, he knew, often held out to compel the soldier to enter into other service, or what were called the condemned regiments. He hoped that a country which boasted of the mildness of its punishments, and from which the torture had been long banished, would not continue so disgraceful a practice, and that the House would receive some satisfaction on the subject. The idea that this sentence could in any case be evaded, in consequence of such an amelioration of the law, was entirely chimerical, as a surgeon constantly attended to see how much the soldier could bear.

Lord *Palmerston* did not think the objection so chimerical as the hon. and learned gentleman seemed to suppose: he had heard of several instances in which the deception had been successfully practised.

Mr. *Manners Sutton* said (in allusion to what had fallen from sir S. Romilly with respect to himself), that he had no hesitation in declaring his opinion of the impropriety, injustice, and even illegality of inflicting the second part of a sentence after the first had really produced all the suffering that was intended. But he thought it possible to evade the punishment altogether by means of the proposed clause, and therefore he should vote against it. He was not, he said, prepared for the clause which the hon. member had submitted, nor, indeed, for the discussion of the Bill at the present moment. It was brought forward thus early, that it might pass before the recess.

Sir *Samuel Romilly* said, he had been misconceived if he was understood to say, that he knew, from any particular information in his own possession, that the practice had prevailed, of calling out men to receive the remainder of their punishment after as much had been inflicted as they could bear: what he had asserted was, that after receiving as many lashes as could with safety be given, the threat of undergoing the remainder was held out to compel them to enter into particular kinds of service. The right hon. and learned gentleman (Mr. M. Sutton) said he should negative the bringing up the clause, because it would retard the progress of the Bill; but that argument only afforded another reason for not passing the Bill at all, at this unusually early period of the session; for it now appeared, that they were not only going to pass a Mutiny Bill for a much longer time than heretofore, but all discussion was also to be excluded.

Mr. *Manners Sutton* thought the hon. and learned member's argument would be much stronger if any thing new were proposed to be introduced into the Bill by that (the ministerial) side of the House; when it might be urged, perhaps, that they were taking an unfair advantage of the presumed state of the House; and it was to that supposition alone that he alluded, when he used the expression adverted to. It should be remembered, however, that the Bill in question would not have any operation till the 25th of next March, and its actual duration would be no greater than if passed at that period instead of the present. The reason why it was now brought forward had been stated by his noble friend on a former night; namely, that as it was probable political causes might render it necessary to extend the approaching adjournment longer than customary, it would be inexpedient to leave the Mutiny Bill to any hazard of not being introduced in time before the existing one expired.

Sir *Samuel Romilly* was aware that the actual duration of the Bill could only be a year; but then it was a year to commence three months hence, and that was a perfect novelty.

Mr. *Benson* expressed his satisfaction that the present discussion had arisen; as it would, at least, produce the good effect of communicating to the world the declaration of the right hon. and learned gentleman, that it was illegal to inflict upon a soldier the remainder of any corporal punishment after he had undergone as large a portion of it as he could endure.

The clause was then negatived.

HOUSE OF COMMONS.

Tuesday, November 30.

Mr. *Rose* presented a Petition from certain artisans and manufacturers (including employers and journeymen) resident in the county of Angus. The right hon. gentleman stated, that he last year presented a petition from this county different in its object from that which he had now the honour to submit; for the Petition which he held in his hand, and which was signed by between 6 and 7,000 persons, prayed only that the House would make such alterations in the Act of the 5th of Elizabeth, as to its wisdom might seem meet. With respect to the measure before the House upon this subject, he should express no decided opinion at present, but reserve himself for the debate. The clauses in the statute of Elizabeth, prohibiting men from following certain trades unless they had previously served an apprenticeship, were, no doubt, in many cases, subject to very serious objections. The courts of law, indeed, were not willing to countenance prosecutions under them. It had, in fact, become exceedingly unpopular; but yet he felt and must suggest for the consideration of the learned proposer of the measure alluded to (Mr. Serjeant Onslow), that the total repeal of these provisions would be productive of as much inconvenience as its total enforcement. For instance, according to these provisions, none were permitted to practise as apothecaries or attornies without serving a regular apprenticeship, and so having the opportunity of acquiring adequate professional skill; but if these provisions were repealed, low, ignorant and uninformed people might undertake these professions, and thus the repeal might become materially injurious to the public. Again, in many places the service of an apprenticeship conferred the right of voting—such, for instance, was the case in the city of London; and in some boroughs the right of voting belonged exclusively to those who had served apprenticeships within such borough; so that the proposed repeal of the learned member was liable to many objections.

The Petition was ordered to lie on the table.

Frame Workers' Bill.] Mr. *H. Addington* moved the committal of this Bill.

Mr. *Horner* submitted to the consideration of the right hon. gentleman, whether it would not be much more advisable to abstain from farther proceeding upon this Bill, and to substitute another measure. Upon the propriety of making a great part of that a permanent law which by this Bill it was proposed to render a temporary Act, there could, he thought, be but little difference of opinion. That the provisions of the 28th of the King, applying to stocking-frames, should be extended to lace-frames—that one branch of trade should enjoy the same legal protection as another, was obviously just and necessary. With respect to the extent of the punishment proposed in the Bill before the House, the learned gentleman re-urged his objections to it with increased force, and pressed upon the right hon. gentleman the propriety of re-considering the subject, particularly as he had advanced no reason for prolonging the duration of such an extraordinary law, but that he had found it in the Statute-book.—In consistency, however, with the professed deference of the right hon. gentleman for the Statute-book, he ought, as he found this law expiring, to submit to its prescription, and allow it to expire. The learned gentleman concluded with expressing a hope that the right hon. gentleman would decline to persist in a measure, the object and policy of which was obviously never meant to be permanent.

Mr. *H. Addington* expressed his readiness to attend to any suggestion from the learned gentleman, and should propose to move the postponement of the committee until Thursday, in order to afford time for further consideration. The right hon. gentleman added, that the finding of this law upon the Statute-book was not, as the learned gentleman had asserted, his only reason for bringing forward this measure: the recency of the disturbances against which the Act was originally pointed, being, as he before stated, the principal reason that influenced his mind.

The committal of the Bill was postponed until Thursday.

POLICE MAGISTRATES.] Mr. *H. Addington,* in moving for a committee to consider the expediency of granting an increase of salary to the Police Magistrates, observed, that these meritorious officers had had no advance of salary since the year 1792, when the salary of each was settled at 400*l.* a-year, which sum was at present obviously inadequate. It was clearly desirable, that such selections should be made as to insure that these offices should be filled by persons of respectability and competent intelligence; and his noble relation at the head of the home department, who was alive to the consideration, concurred with him in thinking that an advance of salary to these officers was peculiarly just and necessary. There could indeed, he thought, be no difference of opinion on the subject. The right hon. gentleman added (in a tone which we could not distinctly hear, but as we understood him), that the proposed advance should be such as to raise the salary of each magistrate to 600*l.* a-year.

The House having resolved itself into the Committee, it was resolved, upon the motion of Mr. Addington, that it is expedient to make farther provisions to defray the expence of the police department in Middlesex and Surrey, and for the more effectual administration of justice within the said counties.

The House being resumed, the report was ordered to be brought up to-morrow.

DUTIES ON BRANDY.] The House having resolved into a Committee upon the Act of the 49th of his present Majesty respecting duties on Brandy;

The *Chancellor of the Exchequer* observed, that, in consequence of the exportation of our colonial and other produce to the enemy's territory, under the system of licences, a quantity of brandy had among other articles been imported in return, which brandy had been for some time locked up in our warehouses, the home consumption of it being prohibited by the existing law; but the object of that law having been to secure our own market to colonial produce, which object was peculiarly warranted by circumstances now no longer existing, it was not deemed inconsistent to consider the case of the owners of the brandy alluded to, who had now to apply to the indulgence of the legislature for relief. The hardship which these owners suffered must be obvious; and it must be recollected, that in bringing the brandy into this country they procured a vent for colonial produce, at a time when that vent was extremely desirable for the relief of colonial traders, who, from the altered state of Europe, and the consequent multiplication of markets for their commodities, could not materially suffer by the relaxation of the law which he had to propose. Besides, this relaxation would serve to bring into the Exchequer no less than 1,500,000*l.* The right hon. gentleman described his proposition as being to impose an additional duty of two shillings a gallon upon the brandy so warehoused, which addition would bring the whole duty to 24*s.* a gallon; consequently a decided advantage would still be secured to our colonial and other spirits; and as the proposed arrangement respecting brandy would be limited to the 31st of March, those interested in the colonial trade would have less reason to complain, as the measure would cease before the arrival of their annual produce. The right hon. gentleman having moved accordingly;

Mr. *Brown* expressed his dissent from the proposition, because it involved an absolute violation of one of the first principles of our commercial interest, which was that of giving encouragement to our own colonial produce, to the exclusion of foreign brandy. That such a system of encouragement rested upon the wisest grounds, he thought a proposition quite indisputable; and therefore the best course for government and parliament would be, firmly to maintain that system. He was extremely sorry then to witness the disposition of the right hon. gentleman to depart from the principle of that system. If the right hon. gentleman would allow himself to be urged to such departure by particular cases of alleged hardship, he would find such cases so multiply upon him, as wholly to deprive the country of the practical benefit of the principle he had stated. As this question materially affected very important interests, he should be glad to know whether the right hon. gentleman's proposition had the assent of those interests; because, if so, his objection to it would be diminished? But as the case appeared, he could not satisfy his mind without entering his decided protest against the motion; as he should ever do against the slightest deviation from a principle which ought, in his judgment, to be held sacred.

Mr. *Rose* denied that the proposition of his right hon. friend would involve the departure which the hon. gentleman who had just sat down professed to apprehend from the principle which he maintained; that principle was, to secure to rum an advantage over brandy in our home consumption; and did not the very material difference of the duty on those articles produce that security? Nay, would not the security be augmented by the very proposition before the committee? for by this proposition the difference between the duty on rum and brandy would be still farther increased. The duty, indeed, on brandy would by this proposition become much higher than it had ever been before. It could not be unknown to the hon. gentleman, that the duty on foreign spirits had been always greater than that on domestic spirits; and therefore the legislature never lost sight of the principle, that every due preference should be given to our own produce. But he could not agree to the hon. gentleman's principle, if pushed to the extent which he seemed disposed to maintain. For, suppose in our commerce with friendly nations we were to raise our duties very high, with a view to the hon. gentleman's principle, the consequence might be, that they would so raise their duties in retaliation, as very materially to injure our trade. As to the West India interest, he could not see that it had any right whatever to complain of the proposition brought forward by his hon. friend; for it was through a wish to serve that interest, that the brandy alluded to was brought into the country. But with respect to the hon. gentleman's observation, that the consent of that interest to this measure ought to be obtained, he could never agree to the extraordinary principle, that that House should not proceed to legislate upon any subject, without obtaining the consent of the parties interested in the object of legislation.

Mr. *Protheroe* concurred with the right hon. gentleman, that the West India interest could have no right to complain of his proposition; but protested against the principle, that a consideration of revenue should be preferred to that of our commercial interest; or that any encouragement should be given to the produce of the enemy, because such encouragement must obviously tend to lessen the pressure of the war upon him.

Mr. *Rose* maintained, that no such preference as the hon. member had asserted had at all appeared, particularly in this transaction. If, indeed, any disposition to such preference existed—if a solicitude for revenue were the paramount consideration of the government, this brandy would not have been allowed so long to remain in the warehouses.

Mr. *Brown*, in explanation, stated, that he did not say that upon which the right hon. gentleman (Mr. Rose) argued. He only said, that if the parties interested in this proposition approved of its introduction, his objection to it would be diminished.

Mr. *Marryatt* supported the motion; and observed, that the brandy had been imported into this country under the licence system; the object and policy of which was, not to encourage the produce of the enemy (as the hon. member for Bristol appeared to apprehend), but to promote the disposal of our own.

The *Chancellor of the Exchequer* wished to be clearly understood, that the proposition before the committee applied only to the brandy already warehoused, and that it was by no means intended to render the measure permanent.

The motion was agreed to.

HOUSE OF LORDS.

Wednesday, December 1.

Insolvent Debtors.] The Bill for amending the Act of last session, for the relief of insolvent debtors in England, passed through a committee, and was reported without amendment.

On the report, lord Redesdale moved some verbal amendments, which were agreed to, and the Bill was ordered to be ingrossed.

The *Lord Chancellor* observed, with respect to lord Ellenborough's temporary

Insolvent Bill, that it would be necessary to make some alterations in it, in order that the two Bills might go on together; and with the view that there might be no delay he moved, That the Standing Orders be taken into consideration to-morrow and Friday; so that the temporary Bill might, if necessary, pass through two stages in one day, and at all events be passed on Friday.

Lord *Redesdale* was of opinion, that his amended Bill would remove all the difficulties that had occurred in the execution of the Act of last session; but he acknowledged that time and experience could alone render the permanent system perfect. He was therefore willing to agree to the temporary Bill, with the alterations suggested, in order that a speedy discharge might take place of the debtors at present in custody; with the thorough understanding that no temporary Insolvent Bill would be again resorted to by the legislature. On the subject to which he had adverted on a former night, respecting the marshal of the King's-bench not having obeyed the order of the commissioner, or assigned any reason for such conduct, he had been waited upon by the marshal, who stated to him that he did send an apology to Mr. Serjeant Palmer. He (lord Redesdale) did not think the apology sufficient; but certainly the sending an apology made an alteration in the case.

Lord *Ellenborough* said, it was the farthest from his intention to advocate the conduct of any individual who disobeyed the law; but gaolers acting at their own peril might reasonably entertain doubts, until better informed, as to whether they might be liable to an escape for bringing up their prisoners under the authority of this court. He had, however, no doubt, that under the Act of last session, as it stood, they would be completely indemnified in acting under the authority of the court constituted by the Act, and the point had been settled in the court of King's-bench a few days since by a decision to that effect. There could therefore no longer be any difficulty upon this head. With respect to his temporary Bill, he was willing to agree to the alterations suggested, in order that the two Bills might go on together.

The *Lord Chancellor* stated, that he had no doubt whatever, that gaolers acting under the authority of the court constituted by the Act of last session would be completely indemnified for any act done under such authority. With respect to the temporary Bill, the alterations he proposed to make would be short; in the first place to introduce a new preamble, that there might be nothing in it of the repeal of an Act which the House had agreed to amend; and then to add a clause or two to regulate the mode in which persons who had gone through the forms under the Act of last session might apply for relief under this Bill. The two Bills might thus be passed together.

Lord *Holland*, after the candour which had been displayed, felt himself called upon no longer to oppose the temporary Bill, with the alterations suggested by the noble and learned lord on the woolsack. With respect to what he had stated regarding the marshal of the King's-bench, he had received a letter from that gentleman, mentioning that he had sent an apology to Mr. Serjeant Palmer, for not bringing up his prisoners as ordered; the fact, therefore, of his having sent an apology, so far made an alteration in the case.

HOUSE OF COMMONS.

Wednesday, December 1.

Lord Stanley brought up a petition from several inhabitants of Liverpool, against the Bill for repealing the 5th Elizabeth.

Mr. Serj. *Onslow* said, he by no means rose to object to the petition being brought up; but merely to observe, that he thought much misapprehension had gone abroad respecting the Bill which he had given notice it was his intention to bring in on this subject. If he should receive permission of the House to bring in his Bill, he could assure the House and the public, that it had never been within his contemplation, to interfere in the smallest degree with chartered rights, nor would it affect those descriptions of persons who appeared to have taken alarm on the subject. As to attornies, he believed they did not come within the limits of the 5th Eliz.; for by an Act of Geo. 2, serving a clerkship of five years to any attorney regularly admitted by the courts in Westminster-hall, entitled any person to practise the profession; and he had alway thought apothecaries were eexmpted from the Act of Elizabeth. His only aim in bringing in a Bill on the subject, if he should be permitted to do so, was, to remove a great number of difficulties and inconveniencies to which many trades were liable from the provisions of that Act.

Mr. *Rose* said, there might be a doubt whether attornies were within the Act of Elizabeth; but he thought apothecaries certainly were; for no man could act as an apothecary, without having served an apprenticeship of seven years.

The Petition was then ordered to lie on the table.

Brandy Duty.] The Report of the Committee upon the Brandy Duty Act being brought up, and a motion made, that the Resolution of that committee relative to an additional war duty on brandy should be read,

Mr. Alderman *Atkins* thought that the duty upon brandy should be farther advanced at least two shillings a gallon; which would produce between 40 and 50,000*l.* to the revenue, without occasioning any just complaint.

The *Chancellor of the Exchequer* acknowledged the public spirit which induced the suggestion of the worthy alderman; but after due consideration, the amount of the advance which he felt it his duty to propose to the House, was deemed sufficient under all the circumstances.

The Resolution was agreed to.

The Report of the Committee for considering the expediency of an additional allowance to magistrates was brought up; and being agreed to, it was ordered that the committee upon the Police Bill be empowered to make provision pursuant to the said Resolution.

East India Trade.] Lord Castlereagh moved the second reading of the East India Trade Regulation Bill.

Mr. *Finlay* rose, not, he said, to oppose the motion, but to submit some observations upon the line of policy to which the measure referred. It seemed extraordinary, that the British merchants were in all cases upon at least an equality with foreigners, excepting in places under the dominion of our India Company; and it must strike every reflecting equitable man with surprize, that such a system of inequality should be allowed to exist with regard to territories acquired and maintained by British arms, in which indeed so much British capital was invested. By the Act of last sessions it was, no doubt, provided, that British merchants were allowed to trade with India; but under very many restrictions and limitations, from which foreign merchants trading to the East were entirely free. The foreigner, for instance, was at liberty to trade to India in a vessel of any size he thought proper, and to take his home cargo for sale to any market in Europe or elsewhere. From this advantage, it was notorious that America and other states derived considerable benefit. In fact, to the profits which it yielded, the means which America possessed of waging her present unnatural war with this country might, in a great measure, be attributed. But he confessed himself quite unable to understand the grounds of such policy, as would allow any foreigners to enjoy advantages of trade with our own territories from which British merchants were excluded. Yet, by the present Bill, it was proposed to sanction such exclusion, by prohibiting British merchants from carrying India produce to any European ports; while foreigners, as he before observed, possessed that very material advantage. The disadvantage of such an arrangement to British merchants could not be disputed; for it was perfectly clear, that no British merchant would bring East India sugar, or other articles of India produce, to the port of London, if he were not compelled to do so; particularly while he could dispose of such articles on so much better terms at Amsterdam, Rotterdam, and other places, to which, however, the foreign merchant was, under the law, quite at liberty to take any Indian cargo. Upon what principle, he would ask, could such a difference in favour of the foreigner be justified or excused? or why should the trade be thrown open to the foreigner, while British merchants were thus restrained? If the East Indian territories were governed upon the same principle as our western colonies, the British merchants would not have the reason to complain which existed in this case; because here the foreigner was admitted to participate of a trade, on terms far more advantageous than those granted to the British merchant. And the consequence of this arrangement would be, that the principal part of the East India trade was likely to fall into the hands of foreigners, because it would give them a decided advantage in the European markets. This was the more to be deprecated, because it was a known fact, that more of East India goods had in several years been sold at Hamburgh and Copenhagen, than in this country. Therefore those who had the best opportunity of taking those goods to the continental markets must enjoy a decided advantage; and yet, according to the policy to which the Bill before the House referred, the British merchants were to be deprived of even the chance of competition in those markets. For himself, he declared that he could not conceive any just ground to prevent the principle of the noble lord's Bill from being pushed farther, by allowing British merchants to carry East India produce to Europe, as well as to the other quarters specified in the Bill. He could not suppose, that such an extension of the principle would receive opposition from any quarter entitled to attention; for he could not apprehend that the India Company would feel any jealousy against the proposition, or would attempt to oppose it. But if even such opposition should arise, he trusted that the House would attend to the claims of justice, and take care that British merchants should not be excluded from an advantage of trade with our own territories. He had reason to believe, that an expectation generally prevailed, that British merchants would be admitted to enjoy the advantages he had described, by extending the liberal principle of the noble lord's Bill; and he hoped the noble lord would be induced to propose such an extension before the close of the sessions.

Lord *Castlereagh* felt no hesitation in expressing his concurrence with the hon. member's principle, as to the propriety of throwing open to British merchants every description of our trade, that to the colonies alone excepted; those colonies having their own system, upon the merits of which system he did not at present think it necessary to state any opinion. But while he thus concurred with the hon. member, he could not think this the proper time for proposing the extension recommended by him. Upon bringing forward the proposition before the House, he stated the reason on which he acted. He thought that as there appeared no difference of opinion as to the degree of extension which his proposition had in view, it was desirable to have it enacted before the recess; while the propriety of a further extension, which might give rise to controversy, should be postponed to a more convenient period. For himself, he was free to declare, that he saw no reason why British merchants should not be enabled to compete with foreigners in the sale of Indian produce in any market whatever; and particularly in that which was the most valuable, namely, the market of Europe. This ability British merchants could not be expected to possess, if compelled to bring their cargoes to an English port, while the foreigners were at liberty to take a direct route to any European market they thought proper. When, therefore, the moment should come, that the competition of foreigners in this trade was to be apprehended, the subject referred to by the hon. member would demand the immediate attention of parliament. But at present, when no foreign competition existed, it was deemed more advisable, on various grounds, that our merchants should bring their Indian cargoes to England—should make this country the emporium of trade, and hence to take the Indian produce to the continent, with an assortment of other articles of our produce and manufacture, and so prove advantageous to our general commerce. If, however, America or any other state were trading with the East, there could not be, in his judgment, any successful resistance to the hon. member's principle. He trusted that the commerce of foreigners with our eastern territories would never be prohibited; but as it was known that America could not, and that, for reasons unnecessary to detail, no European state was likely for some time to engage in any Indian trade, it did not seem necessary immediately to press the principle maintained by the hon. member to the extent of his desire. When, however, the trade of foreigners with India should be resumed, he had no doubt that parliament would be found attentive to the claim of the British merchant, and that foreigners would not be allowed to enjoy any such preference as the hon. member so justly deprecated.

Mr. *Protheroe* said, that he felt peculiarly happy from the statement of the noble lord. He confessed that he had been disappointed to find that the principle of the Bill before the House was not carried farther; but he was satisfied with the noble lord's explanation. As to the India Company, he could not see upon what ground they could feel any jealousy against the proposed or desired extension of the British merchant's trade in Indian produce; because the object of such extension was not to interfere with their interests, but with the interests of foreigners, to whom it was impossible the India Company could be disposed to grant any preference.

The Bill was read a second time.

HOUSE OF LORDS.

Thursday, December 2.

Insolvent Debtors.] Lord Redesdale's Bill for amending the Act of last session for the relief of insolvent debtors in England was read a third time and passed.

The House resolved itself into a committee on lord Ellenborough's temporary Insolvent Bill.—Several amendments were made; and a clause was added, enacting that nothing in this Act should affect the Act of last session, or prevent any person from obtaining his discharge under that Act. A new preamble was also inserted, stating specially the grounds for passing the Act; being expressly for the more speedy discharge of the persons now in custody to whom the Act applies.—A proviso was likewise added, excepting from the benefit of the Act sheriffs' officers, serjeants at mace, &c. who had embezzled the monies of their employers.

The standing orders having been taken into consideration, the report was received, and the amendments agreed to, and the Bill was ordered to be engrossed.

HOUSE OF COMMONS.

Thursday, December 2.

East India Trade.] Upon lord Castlereagh's moving the committal of the East India Circuitous Trade Bill;

Mr. *C. Grant*, after expressing his regret that he was not in the House yesterday, when some observations were made upon the subject of this Bill, which he deemed of considerable importance, requested that any further progress upon it might be postponed. As it materially concerned the interests of the India Company, they naturally required more time for the consideration of a measure, with the merits of which they had but very recently become acquainted; for it was only that day that a copy of this Bill came into the hands of the directors.

Lord *Castlereagh* felt great pleasure in complying with the request of the hon. member, and should therefore postpone his motion until Monday next. He, however, thought it proper to observe, that he was not aware of the existence of any difference of opinion upon the merits of this Bill; and in agreeing to the postponement required, he did so in the understanding that the measure would be carried before the holidays.

Mr. *Fawcett* observed, that the India Company were not alone interested in this measure, as our manufacturers were also materially concerned. For if British merchants were allowed to carry India produce to the Havannah, the Brazils, and other contiguous places, that produce would be very likely to find its way into our colonies, and interfere with the British manufacturers, whom the trader in East India commodities could easily undersell, from the comparative cheapness of labour and materials in the East. In this view, he thought that the measure before the House required time for very ample consideration.

Mr. *Finlay* rose to correct a misconception of his hon. friend who spoke last, and who appeared to conceive that the Bill before the House proposed to grant some extraordinary advantages to British merchants; whereas it only went to allow them the same advantages as were already enjoyed by foreigners. For, as the case stood at present, if any Swedish or Russian subject should think proper to trade to India, they might carry India produce to the places mentioned by his hon. friend, and so engage in the competition he deprecated. But, as far as he was acquainted with the sentiments and interests of British manufacturers, they had no apprehension of any competition likely to be created by this or by any Bill of a similar nature.

The committal of the Bill was postponed till Monday.

HOUSE OF LORDS.

Friday, December 3.

Appeals—Dempster *v.* the Magistrates of St. Andrew's.] The *Lord Chancellor* observed, that he had addressed several observations to the House, on a former day, relative to the several points which were involved in the consideration of this case. Before he proposed to their lordships to come to that judgment which, in his opinion, ought to be given, he was induced to repeat to them the substance of the remarks he had already made upon the merits of this question. It was his intention to move, that the interlocutors of the court should be remitted, and he did not perceive how their lordships could adopt any other decision. There were parts of the judgment of the court below upon which the House was not able to form a distinct opinion. This was a claim, on the one hand, to certain property in the liberties of the corporation of St. Andrew's; and, on the other, it was the setting up of a right to keep off whatever might spoil the ground for the exercise of the game of golf. This privilege of enjoying a healthful exercise and amusement, was claimed not only for the corporation and the people of St. Andrew's, but for all others, wherever they may come from, if they chose to play at golf within the links of St. Andrew's. The court of session had decided, that the rabbits of which the respondents complained might be removed; but it did not appear how that effect of the decision could be carried into execution. It was not ordered that the appellant should remove them; and afterwards by the suspension (a proceeding in Scotland), when the subject came again before the court, it appeared that the respondents were not authorised to kill all the rabbits, but such as might come into certain parts of the liberties. Then how were they to be removed, and by whom? A question had also been raised at the bar, where it was contended by one, that the whole of these rabbits ought to be removed or destroyed; and by another, that a part only could possibly fall under such a decision. On this part of the argument his lordship's gravity had been disturbed; for it appeared, that one part of these creatures was indigenous; while others were brought there from England; others from different links and places in Scotland; and others again had arisen, which were a compound of this variety. He regretted, however, that this case should, from necessity, be remitted to the court of session; for, on the one hand, being a North countryman himself, he had had an opportunity of seeing and admiring the game of golf; but, on the other hand, he could not see how a right like that claimed by the respondents, not only for themselves but for the whole world, could exist, to the prevention of a man's using his own property? For, on this ground, the objection to keeping rabbits would also apply to keeping black cattle, which were likely to do more damage to the earth than the scratchings of rabbits. It would also prevent the keeping of sheep, or any other species of animals. This was a species of war which had been pertinaciously pursued by the parties. He believed Pliny had mentioned the circumstance of the Balearic Islands, whose inhabitants made war upon rabbits, and had an army to destroy and drive them from the country. But neither in this Balearic war, nor in any subsequent one, was more spirit manifested, than in this war of the whole world against the rabbits of St. Andrew's. The noble and learned lord then moved, "That the interlocutors and suspension be remitted for re-consideration, as to those points upon which the House wanted additional information."—Ordered accordingly.

INSOLVENT DEBTORS.] Lord Ellenborough's temporary Insolvent Bill was read a third time and passed.

HOUSE OF COMMONS.

Friday, December 3.

INSOLVENT DEBTORS AMENDMENT BILL.] Mr. *Lockhart*, conceiving this Bill to have a natural reference to the principle of the Act of last session, which principle had not then, in his judgment, undergone an adequate discussion, took this opportunity to make a few observations upon it. It was impossible, indeed, as it appeared to his mind, to consider this Bill without adverting to the Act of last session, the difficulties in the execution of which this Bill proposed to remove; and no doubt these difficulties were likely to be obviated by it, the noble author of the original Act having evidently applied great industry and ingenuity to the consideration of the measure. This Act, however, proposing to make a very material alteration in the common law of the country, it was peculiarly the duty of the House to consider the effect of that alteration. The common law had given to a creditor the body of his debtor as a security for payment, and that security this Act proposed in a great measure to take away. As to the crowded state of our gaols, which was emphatically dwelt upon as an argument for this extraordinary measure, he could not believe that that circumstance was owing so much to the obduracy of English creditors, as to the extravagance of debtors. In adverting to the principles of the common law with respect to debtor and creditor, he did not mean to contend that creditors should possess an uncontrolled discretion over the custody of debtors. On the contrary, he approved of the interposition of the legislature to modify the principle of the common law. But the question was, how that modification should be regulated. If too strict, opportunity would be afforded to creditors to gratify vindictive passions, to injure humanity; and if too lax, idleness, thoughtlessness, and profligacy would be encouraged. The Act, in prescribing that a debtor must be imprisoned three months before he could obtain liberation upon surrendering his property, might be very injurious to the interests of both debtor and creditor; for that period would too probably pass in spending the property which ought to belong to the creditor, and in deteriorating the moral habits of the debtor. But as a punishment it was obvious, that three months afforded an insufficient protection to creditors, by not holding out any adequate terror to prevent the thoughtless or idle, and still less those of bad principles, from contracting debts. Therefore, he submitted, that upon so great a departure from the principle of our common law, as the Act under consideration involved, this circumstance was a serious defect. But there was another defect in the Act, which appeared to him much more exceptionable; namely, that no debtor was compelled to give up his property at the expiration of three months; but might remain in prison, if he thought proper, to squander the property of his creditors. He was aware, that if a debtor could be proved to have improperly disposed of his property in prison, he was deprived of the benefit of the Act; but why not assimilate the Act entirely to the Scotch law of the *cessio bonorum*, which was quoted as a precedent for it, by compelling the debtor to surrender his property to his creditors? and such a provision would diminish the objections entertained with respect to the short period of three months imprisonment. From a deliberate review of this law, the hon. member conceived that one of two consequences must result from its existence; either that persons would become more extravagant, or that much less credit would be given. It might be urged, that creditors ought to be more circumspect; that the people of this country were much more ready to give credit than those of other nations; and that hence the prodigal were improperly afforded facilities for the indulgence of their habits; but then by the rigid observance of this rule of circumspection, the honest and industrious, to whom credit was indispensably necessary, and whose success was desirable for the public interest, might very materially suffer. For there was what was called a "useful credit," which was essential in this country; and any measure at all likely to affect that credit, should be weighed with the utmost caution.

There was one class of creditors not at all noticed in this Act; namely, those who suffered from frivolous and vexatious actions, and sought in vain the recovery of their costs. The debtor for such costs had the same relief under this Act as any ordinary debtor. Thus no adequate restraint was provided to prevent the vindictive or the profligate from wantonly bringing actions against honest men. Surely such cases required some special attention, as well as those of *crim. con.* or malicious injuries. For the principle which rendered punishment justifiable in the latter, applied also to the former. But while this Act released a man after three months imprisonment, however he might have trespassed upon property, or even were he guilty of assault and battery, unless a particular averment appeared in the declaration, it also gave liberation to a vexatious or malicious prosecutor, such as he had described. All such were released at the end of three months. Thus the poor might be vicious with comparative impunity; for no one could pretend that three months imprisonment furnished any material terror to such depraved persons as he had alluded to. It was the boast of the law of this country, that it afforded redress for every wrong, and that there were none above the law; but really, by the operation of this Act, many would be forced below the law. For instance, how often might revengeful malicious persons be forward to bring an action perhaps of the most injurious kind, against the objects of their revenge and malice, if the only hazard of the experiment were to be three months imprisonment. He could not help pronouncing this case a most serious omission in the Act. But there was also another serious omission; for the Act made no distinction between the debtor who availed himself of every legal expedient to increase his plaintiff's costs upon a debt clearly and indisputably due, and the debtor who promptly, and without litigation, acknowledged the justice of the claim upon him. That two such debtors should have the same facility of release was evidently a defect. In his opinion, provision should be made in this new code to allow debtors, if they thought it just, to acknowledge their debts at once, and thus save creditors from costs; and a distinction should exist between such a debtor and one who wantonly subjected his creditor to costs. The hon. member concluded with stating, that he would not oppose the farther progress of this Bill; although he felt it his duty to express his opinion upon the measure to which it referred, and the merits of which would, he hoped, be more fully discussed in a future session.

Sir *S. Romilly* thought the hon. member's observations inapplicable to the Bill before the House, and rather referring to the Act of last session; the principle of which was simply, that a debtor should obtain his freedom upon giving up his property. To this Bill, which merely had in view the carrying that principle into effect, and the execution of the Act of last session, he hoped that no obstruction would be given.—As to the hon. member's observations, there was no doubt, that, notwithstanding the present Bill, we must wait to see the operation of the original Act before every defect could be provided against; and probably the hon. member, by turning his attention to the subject, might be able to suggest some useful improvements. The hon. member had stated, that no distinction was made in the Act alluded to, with respect to such debtors as availed themselves of certain legal expedients to increase the costs of their creditors; but the way to cure that evil was not, in his opinion, to make any distinction in this Act, but to do away these expedients themselves. For instance, he could not see the justice of allowing writs of error where there was no substantial error, and where the proceeding only served to produce delay and costs. He thought, therefore, that no writs of error should be allowed, unless such error were certified by two counsel. This change would, in his judgment, prove a very material improvement. He was anxious to attend in all cases to the interest of the creditor as well as that of the debtor; and the state of our law between debtor and creditor appeared to him to be such as to require many serious amendments. It was too harsh towards the person, and too relaxed towards the property of the debtor. He could not, for instance, imagine any reason why freehold and copyhold property, and property in the funds, should not be rendered responsible for the payment of a man's debts. So strongly indeed was he impressed with this opinion, that it was his intention to bring forward, after the recess, when there would be a full opportunity for discussion, a measure similar to that which he some years ago felt it his duty to submit to the House, for making freehold property subject to the payment of debts after the debtor's decease.

The Bill was read a second time.

Report from the Committee of Supply.] Mr. Lushington reported from the Committee of the whole House, to whom it was referred to consider further of the Supply granted to his Majesty, the Resolutions which they had directed him to report to the House; and the same were read, and agreed to by the House, and are as follow:

1. That a sum, not exceeding 10,000*l.* be granted to his Majesty, upon account, towards defraying the charge of five troops of dragoons, and thirteen companies of foot, stationed in Great Britain, for the purpose of recruiting the corps employed in the territorial possessions of the East India Company, for the year 1814.

2. That a sum, not exceeding 2,800,000*l.* be granted to his Majesty, upon account, towards defraying the charge of the embodied militia of the United Kingdom of Great Britain and Ireland, and of the royal corps of miners of Devon and Cornwall, for the year 1814.

3. That a sum, not exceeding 500,000*l.* be granted to his Majesty, upon account, towards defraying the charge of general and staff officers, and officers of the hospitals, serving with his Majesty's forces at home and abroad, and the charge of his Majesty's garrisons, for the year 1814.

4. That a sum, not exceeding 20,000*l.* be granted to his Majesty, upon account, towards defraying the charge of full pay for supernumerary officers of his Majesty's forces for the year 1814.

5. That a sum, not exceeding 200,000*l.* be granted to his Majesty, upon account, towards defraying the charge of the allowances to the principal officers of several public departments in Great Britain and Ireland, their deputies, clerks, and contingent expences, and of the amount of Exchequer fees to be paid by the paymaster-general, for the year 1814.

6. That a sum, not exceeding 140,000*l.* be granted to his Majesty, upon account, towards defraying the charge of half-pay to reduced officers of his Majesty's land forces, including the reduced officers of

his Majesty's British American forces, and of the Scotch brigade late in the service of the States General, for the year 1814.

7. That a sum, not exceeding 10,000*l.*, be granted to his Majesty, upon account, towards defraying the charge of military allowances to reduced officers of his Majesty's land forces, including his Majesty's British American forces, for 1814.

8. That a sum, not exceeding 300,000*l.*, be granted to his Majesty, upon account, towards defraying the charge of the in and out pensioners of Chelsea and Kilmainham hospitals, and of the internal expences of the said hospitals, for the year 1814.

9. That a sum, not exceeding 30,000*l.*, be granted to his Majesty, upon account, towards defraying the charge of pensions to be paid to widows of officers of the land forces and marines, for the year 1814.

10. That a sum, not exceeding 155,000*l.* be granted to his Majesty, upon account, towards defraying the charge of volunteer corps of the United Kingdom of Great Britain and Ireland, for the year 1814.

11. That a sum, not exceeding 400,000*l.* be granted to his Majesty, upon account, towards defraying the charge of the local militia force to be maintained in Great Britain, for the year 1814.

12. That a sum, not exceeding 1,000,000*l.* be granted to his Majesty, upon account, towards defraying the charge of Foreign corps in the service of the United Kingdom of Great Britain and Ireland, for the year 1814.

13. That a sum, not exceeding 10,000*l.*, be granted to his Majesty, upon account, towards defraying the charge of the Royal Military College, for the year 1814.

14. That a sum, not exceeding 15,000*l.*, be granted to his Majesty, upon account, towards defraying the charge of the Royal Military Asylum at Chelsea, for the year 1814.

15. That a sum, not exceeding 10,000*l.* be granted to his Majesty, upon account, towards defraying the charge of allowances to retired chaplains, and of allowances to clergymen officiating with his Majesty's forces at home and abroad, including the expences of the office of the chaplain general, and other contingencies, for the year 1814.

16. That a sum, not exceeding 100,000*l.* be granted to his Majesty, upon account, towards defraying the charge of medicines and surgical materials, for his Majesty's land forces, and of other hospital contingencies, for the year 1814.

17. That a sum, not exceeding 30,000*l.*, be granted to his Majesty, upon account, towards defraying the charge of allowances on the compassionate list to children of deceased officers of the land forces, and to widows of officers of the said forces not entitled to the pension, including the allowance, as of his Majesty's royal bounty to several officers, and to the relatives of certain deceased officers, for the year 1814.

18. That a sum, not exceeding 110,000*l.* be granted to his Majesty, upon account, towards defraying the expence of the commissariat department in Ireland, including the charge of forage for the cavalry in that part of the United Kingdom, for the year 1814.

19. That a sum, not exceeding 10,000*l.* be granted to his Majesty, upon account, towards defraying the charge of allowances, compensations, and emoluments, in the nature of superannuation or retired allowances, to persons belonging to several public departments in Great Britain and Ireland, in respect of their having held any public offices or employments of a civil nature, for the year 1814.

20. That a sum, not exceeding 150,000*l.* be granted to his Majesty, upon account, towards defraying the expence of the barrack department in Ireland, for the year 1814.

21. That a sum, not exceeding 3,000,000*l.* be granted to his Majesty, on account, towards defraying the extraordinary services of the army of Great Britain and Ireland, for the year 1814.

The several Resolutions were agreed to, the chairman reported progress, and obtained leave to sit again.

FRAME BREAKERS' BILL.] On Mr. H. Addington's moving the committal of this Bill,

The *Attorney General* expressed his wish to state to the House his ideas on a subject which had created a great diversity of opinion. He then adverted to the circumstances of the times in which that law was passed, and to the peculiar situation of the districts which had rendered that law necessary. If, by the salutary terror it had created, order had been re-established, they certainly had obtained an invaluable blessing at a comparatively trifling inconvenience. The present state of Europe, too, added to the operation of that law, had so contributed to restore order and perfect tranquillity, that should the Bill be now for the first time introduced, no man could think it necessary. But where a law, after effecting so much good, was attended with no inconvenience to any one, and held only terror to the guilty, it was certainly a harmless experiment to continue it for some time longer; always recollecting, that what had once come to pass might happen again. But as some hon. and learned gentlemen, and especially an hon. and learned friend of his, sir S. Romilly, whose suggestions were always entitled to the greatest deference, had expressed great objection to the offence of frame-breaking being made a capital felony, he intended to propose to the committee to enact a less severe punishment, and, at the same time, to make the Act permanent on the Statute-book, for the preservation of manufacturing property. The Act to which his hon. and learned friend had principally alluded, and which he wished to substitute for the present Bill, was an Act of the 28th of his present Majesty, by which the breaking up of manufacturing frames was punishable by no less than seven, nor more than fourteen years transportation. His intention, in the present instance was, to make the offence punishable by transportation for life. His principal reason was, that from the best sources of information he had been able to command, he had learnt that convicts for life were much more tractable, and made much better members of society, than those transported for a term of years: the first expecting no alleviation from a fate which was to last for life, but in their good conduct, by which they were soon admitted as settlers in the colony; whereas the others, always impatient under a restraint which they considered as temporary, sighed only in the bitterness and exasperation of disappointment, for the moment which was to bring them back to the scene of their former wickedness. He also wished, that, in mitigated cases, the judges might be authorised to recommend the culprit to a less punishment; or, in fact, if it was preferred, he had no objection to leave the period of transportation to the discretion of the judge. Another clause of the former Act which he would propose to repeal was, that which made it incumbent on persons injured to prosecute, under the penalties of a misdemeanor. But this was intended at the time to protect prosecutors from private revenge, by seeming to compel them to come forward. He did not think that the state of the country required such a strong measure; and he would leave the prosecutor, in this particular case, in the same situation in which he stood by law for every other offence.

Sir *S. Romilly* thought there was some objection against proceeding in the way recommended by the right hon. gentleman (the Attorney General). It was proposed to continue a law which had been originally introduced as a mere temporary measure, and to keep the terror of that law still in existence, though no occasion for such terror existed. The nature of the original measure would be entirely altered by thus making it permanent. In his opinion, it would be much better to drop the Bill altogether, and bring in a new one. The present Bill had reference merely to stocking and lace-frames. The machinery used in cloth and other manufactures were not at all protected by it; and yet there was no reason why they should not be protected as well as the others—they came under the very same principle. It was a very momentous question, that should not be decided in so hasty a way. With respect to what the right hon. gentleman (the Attorney General) had said on the subject of Botany Bay, there was an important difference of opinion upon that point. The opinion of a gentleman who had been many years governor of Botany Bay was quite contrary. The opinion of that gentleman was, that the persons transported for life were the most desperate and the most incorrigible of the whole colony. They were the very worst there; and the reason he assigned was, because they considered their case desperate; and for that reason they had laid aside all thought of amendment, and corrupted the rest of the prisoners. The report of the committee which had sat upon this subject should be taken into mature consideration. The number of persons likely to suffer under this Bill was extremely small. There seemed to be no necessity for the Bill, but certainly none for making that permanent which was originally temporary, and changing entirely the nature of the punishment. When it was stated the other day in the House, that the Bill might possibly have such an operation, as to subject to death an apprentice for injuring the frames of his master, a worthy alderman said it was monstrous and incredible that such a Bill could have passed the House. Yet the Bill did pass the House, and that worthy alderman himself voted for it. It would be easy to alter the words of the Act in such a manner as not to comprehend cases like that of the apprentice. Every thing said by the right hon. gentleman went upon general principles, and yet the Bill was to be confined to a particular Act. The inconvenience in bringing in another Bill would be, that some delay might arise; during that delay, however, the Bill before in existence would be sufficient for the protection of frames.

The motion was agreed to, and the House having resolved into the committee,

Mr. *Horner* said, that he should wait to see how this Bill came out of the committee before he made any further observation upon it.

Mr. *Eden* stated, from his experience in the committee respecting transportation to Botany Bay, that evidence appeared directly contradictory to the statement of the learned gentlemen, respecting the comparative conduct of the several classes of transports. According to that evidence, indeed, the persons transported for limited periods were very often reformed, while those transported for life generally continued depraved and desperate. The hon. gentleman concluded, with expressing a wish that government would attend to the suggestion of the committee alluded to, with respect to the improvement of the civil and criminal courts.

The *Attorney General* said, that the subject last referred to by the hon. gentleman, was under the consideration of government; and that papers were before him (Mr. G.) respecting those courts, which would have been decided upon before now, if he had not wanted that assistance which a recent appointment had happily afforded him [alluding, we suppose, to Mr. Serjeant Shepherd's appointment as Solicitor General].

Mr. *J. Smith* expressed his satisfaction with the change which was proposed to be made in the measure under consideration; and he had no doubt that in consequence of that change it would prove more effectual for its object than the measure to which it was to succeed.

The Attorney General's proposition was agreed to, the House resumed, the report was received, and ordered to be farther considered on Monday next.

HOUSE OF COMMONS.

Saturday, December 4.

Insolvent Debtors.] On the order of the day being read for the House to go into a committee on the Insolvent Debtors' Bill,

Mr. *Lockhart* wished that the committee should be postponed till Monday, in order that the House might be better able to consider what amendments it might be necessary to make in the Bill. He had himself looked over it with attention, and had found in it many things which required to be amended. The first was, that the debtor must first swear to his schedule, and then be examined touching the truth of it afterwards. This he considered incongruous, and likely to lead men to perjure themselves. The statement in the schedule of the apparel of the petitioner's wife and family would lead to great inconvenience. The inventory would, in many instances, be very long, and take up a great deal of time. His next objection was, that the debtor was not to be discharged until he had made an assignment of his property to the proper officer. Now he understood that nobody would accept of the office, because, whoever did, would be involved in constant litigation respecting the property so assigned to him. A great inconvenience would arise from the debtor being brought up to be discharged, in custody of the jailor. That would occasion a great expence, when the place of discharge was at a distance from the place of the debtor's confinement. In this Bill also there was no exemption made from the duty on stamps, as in the former. The serving of notices on each of the creditors he thought would be tedious and expensive; and the insertion of the debtor's schedule in the Gazette, and in the newspapers, would be quite sufficient. For these reasons he requested the hon. gentleman would allow the committee on the Bill to stand over till Monday, when he should produce some clauses which he hoped would obviate these defects.

Mr. *Horner* said, that if the hon. gentleman pressed the postponement of the committee, he had little objection to it; but he would suggest to him, that it was desirable this Bill should pass as soon as possible. It was not to be expected, that so great an innovation on the law as this was, could be made perfect at first. He thought the exceptions of the hon. gentleman to the Bill required more deliberation than could be given them before the adjournment of the House; and it was probable that, when they met again, experience would point out other improvements to be made in it.

Mr. *Kenrick* said a few words against delay; and in answer to an observation that had been made on a former occasion, that creditors could not compel their debtors to give up their property, he observed, that when the Bill came hereafter to be discussed and amended, it was his fixed determination to propose a clause to compel all debtors who had property of any kind, and were living extravagantly on the same in prison, and laughing at their creditors, to take the benefit of the Act, and to give up their property to their creditors.

The House then went into the committee; in which, a clause was added, to compel all printers of newspapers to insert the advertisements of prisoners at the rate of *3s.* for the first 50 words, and *6d.* for every 10 words above 50. The report was ordered to be received on Monday.

HOUSE OF LORDS.

Monday, December 6.

SLAVE TRADE.] Lord *Holland,* after requesting the indulgence of the House for introducing the subject of the Slave Trade without a question before the House, expressed regret that so little progress had been made in the attempt to prevent the practice of carrying on the slave trade under foreign flags. As he hoped that the result of the late operations on the continent would be the re-establishment of peace, he could not help calling the attention of ministers to this subject. The trade had been once carried on to a very great extent under the Dutch flag; and in any treaty with Holland, it would be the duty of ministers to insert a clause for the prevention of carrying on the traffic in question under the flag of that country. He did not, however, expect that ministers would give any particular explanation of what was to be done in the event of a treaty with that power. In the present circumstances it would be improper to do so. He only wished that their attention should be called to the subject. He did not however mean to say, that ministers had been negligent in this respect. He gave them credit for every desire to carry into complete effect the wishes of the legislature, and of the country; but it was matter of much regret, that so little progress had hitherto been made. He was sorry that an article of the description which he had mentioned had not been introduced into the treaty with Spain. He regretted his being obliged to say, with all his admiration of the Spanish nation, and of the admirable struggle which they had made for their independence, that the slave traffic was carried on under their flag to a very considerable extent. He again, however, must repeat his hopes, that no exertions would be neglected, on the part of ministers, to put a final stop, if possible, to the slave trade, among all the powers with whom they had any influence.

The Earl of *Liverpool* repeated, what he had often stated before, that every principle which had induced the legislature to pass the Slave Trade Abolition Act, operated with ministers to use every endeavour to accomplish the abolition of the traffic among foreign powers. The very principles on which the abolition had been opposed, led them, since it was abolished here, to endeavour to render that abolition universal. It would, of course, be improper to enter into any particulars at present; but in the event contemplated by the noble lord opposite, he believed there could be no difficulty in making a suitable arrangement for this desirable object, with the nation to which the noble lord specifically alluded.

MUTINY BILL.] On the motion for the second reading of the Mutiny Bill.

Lord *Holland* had no positive objection to state to the progress of the Bill; far less did he intend, under the present circumstances of the country, to vote against it: but at the same time, he could not help now observing, that this most important measure was one which the legislature had formerly regarded with peculiar jealousy, although it was now become old-fashioned to attend much to the annual progress of the Mutiny Bill. Nothing, however, but the peculiar circumstances of the country could excuse the second reading of the Bill without having even summoned the House, in order to call their attention to what they were doing. It was proper to observe upon this remarkable proceeding, that it might not be drawn into a precedent. There was hardly a precedent for such a mode of proceeding in modern times, or for the long adjournment for which the passing of the Mutiny Bill at this early period of the session was a preparatory step. If such long adjournments were to become frequent, it would go near virtually to deprive one part of the united kingdom of its representation. He was aware, however, that the very peculiar circumstances of the world at this critical period, did afford something like a justification of this extraordinary proceeding. He was aware, that in case of a long adjournment, it was proper to have the Mutiny Bill passed, in order to prevent the confusion that might otherwise ensue; and, wishing to interpose no difficulties in the way of ministers, at a moment when so many important particulars required their utmost attention, he did not absolutely object to the progress of the Bill; nor, when the adjournment came to be proposed did he say that he should oppose that: but he again solicited the attention of the House to this fact, that nothing could justify this mode of proceeding, except the very peculiar circumstances in which the country was at this period placed, and the very important duties which devolved upon those who conducted the government.

The Earl of *Liverpool* did not consider it old-fashioned to pay particular attention to the progress and provisions of the Mutiny Bill. On the contrary, he considered the annual passing of that Bill, and the attention which the legislature was by that means enabled to pay it—the army being by this means, as it were, kept constantly under the controul of parliament—as one of the best securities of the constitution. But the noble lord would observe, that the object of this Bill was not to extend the provisions or the operation of the Mutiny Act. The object was merely to pass it before the recess, that there might be no danger of that important Act being allowed to expire. He admitted, however, that it was unusual to press forward this Bill at so early a period of the session, though the noble lord was mistaken in supposing it to be without precedent in modern times; and he mentioned as an instance the precedent of the year 1795. It was, however, unusual, and he was perfectly willing to rest its justification on the extraordinary circumstances of the times, which rendered it certainly desirable that this Bill should be passed now, rather than in February, or the beginning of March. With regard to the not summoning the House, he acknowledged that it would have been more proper and decorous to have called the attention of their lordships to it in that way. The neglect arose merely from inadvertence, and he was ready to admit that some blame attached to him on that account.

Lord *Holland* had nothing more to say, after the candid manner in which the noble earl had admitted that it would have been proper to have summoned the House, for the purpose of calling its attention to a measure of this consequence. His object merely was, to prevent this mode of proceeding being drawn into a precedent. The noble earl had said that there was a precedent in modern times for this. He (lord Holland) had not said that there was no precedent; he had only said that there was hardly a precedent: and when he talked of a precedent he meant a precedent in good times; and no impartial man would say that the period of 1795 was of that description.

The Bill was then read a second time.

HOUSE OF COMMONS.

Monday, December 6.

FRAME BREAKERS' BILL.] On the farther consideration of the report,

Sir *S. Romilly* was sorry that the learned and hon. gentleman persisted in this Bill, for which there appeared to be no existing necessity. The conspiracies and disturbances which had occasioned its passing into a law had ceased; and it seemed a strong measure in legislation to make that felony, for which, as a simple act, no legal punishment had, he believed, before existed. The sentence for this offence was to be transportation for life. Now, whatever reasons there might be for preferring transportation for life to transportation for a limited time, in cases of habitual depravity, they could not apply to the present crime, which was the effect of ignorance and momentary delusion. As an instance of the loose and incorrect manner in which the Bill was drawn, sir S. Romilly observed, that the punishment was denounced against all those who entered a dwelling-house with intent to break frames, either by day or by night. How they could enter it, except by day or by night, he was at a loss to conceive.

The *Attorney General* said, that though the judges could not themselves avoid pronouncing the sentence of the law in cases of felony, yet they could recommend the prisoner to the clemency of the crown, as was always done where there were circumstances of mitigation. He had no objection, however, to have the punishment altered from transportation for life to transportation for a term of years not exceeding fourteen, nor less than seven years. He thought the crime was punishable by law before the present Bill—not simply, but as an act of conspiracy. The learned gentleman then made a distinction between the idle or mischievous apprentice who should merely break his master's frames, who would not be punished, and the apprentice combining for the same purpose with the Luddites, who would be amenable to the law.

Mr. *Horner* said, he believed no other person in the House had misunderstood his learned and hon. friend in the same degree as the learned and hon. gentleman who spoke last. He had totally misconceived, not only his expressions, but the whole scope of his argument. He had represented him as palliating the crime of the Luddites. No such thing. He had merely stated that it was a crime arising out of temporary circumstances and temporary irritation, and which might be effectually prevented by temporary punishment. As to the distinction between the idle apprentice, acting wantonly in violation of the law, or in concert with the Luddites, there was no such distinction laid down in the Bill. The question respecting the punishment to be inflicted by the Bill became the more important from the nature of the general doctrine on which it had been supported by his Majesty's Attorney General. The specific punishment denounced by the Bill was transportation for life. But the hon. and learned gentleman contended that the diminution of their punishment would be at the discretion of the judge. The House knew but too well the practice that had prevailed on this subject. The recent discussions on the proposed repeal of some of the old statutes had put them in possession of it. In the times when those statutes were passed, a more extended discretion might be necessary; but was it to be endured, when passing a new penal law, that parliament should be told, "Make the punishment as severe as you can; the judges will take care that it shall seldom be inflicted?" He had always thought that it was the peculiar praise of the British law, possessing as we did judges of great wisdom and unimpeached integrity—that, nevertheless, their discretion in cases of a criminal nature should be narrowed as much as possible. In the best works on jurisprudence it had always been laid down as a principle, that although the quantum of punishment might sometimes be left to the discretion of the judges, the description of it should always be regulated by the law. By contending that the mercy of the court would be so frequently exercised as seldom or ever to expose the offender to the highest punishment of the Bill, the hon. and learned gentleman substituted the exception for the general rule. The prerogative of mercy ought to be applied only to cases of rare occurrence; but, according to the argument of the hon. and learned gentleman, it should be put constantly in action.

The *Attorney General* explained. What he had said with respect to apprentices was, that if an idle apprentice wantonly destroyed the frames of his master, he would not come within the operation of the Act; but that if he wickedly and maliciously did so, either alone or in concert with others, he would be subject to its punishments.

Mr. *Bathurst* supported the necessity of enacting a severe punishment to prevent the recurrence of scenes, the terror attendant on which in the neighbourhood in which they had occurred was much greater than that occasioned in London and its neighbourhood by the riots of 1780. The question was, whether or not it was fitting that such a law as that before the House should be on the statute-book? The decided opinion was that it was fitting. He trusted there would be no occasion for its exercise; but if, unfortunately, there should, it was more likely to call for the utmost severity of the law than for its utmost mitigation. The capital punishment was gone from the Bill; and the least that could be substituted was the punishment of transportation for life; and under circumstances in which the gradation of crime must be so extensive, the judge ought to have the power of inflicting the highest punishment on the most atrocious offenders, and of obtaining a milder punishment for those whose guilt was not so extreme.

Mr. *J. Smith* expressed his great satisfaction at the abolition in the Bill of the punishment of death. He was fully convinced that it had deterred many persons from prosecuting offenders. Nor would this be surprising, when it was considered that many of those offenders were boys and girls of 16 or 17 years of age. He confessed that he wished the term of transportation had been limited to seven years.

However, he preferred adopting the Bill as it stood, to leaving such valuable property as the lace frames unprotected; he declared, that the right hon. gentleman who had just spoken, had by no means overstated the terror and dismay which, at the time of the disturbances, had spread over the counties in which those disturbances had occurred; and he trusted, that the measure now in progress would prevent any repetition of such outrages.

Mr. *Abercrombie* observed, that the object of his hon. and learned friend's proposition to postpone for six months any further proceedings on this Bill, was by no means to leave the property of the lace manufacturers unprotected, but to give time for a more ample consideration than they had hitherto received of two most important questions in the Bill; namely, the quantum of punishment, and the description of the offence. He protested against the doctrines of the hon. and learned gentleman opposite (the Attorney General), which he confessed appeared to him to involve the most severe censure on the existing laws of the country that had ever been uttered within those walls. That hon. and learned gentleman had contended, that no person ought to be transported save for life. If so, where was the justice of annually sending, as we did, so many persons to New South Wales, for seven and fourteen years? Adverting to the condition of that colony, he felt happy, from the inquiries which he had been enabled to make in the committee on the subject, and from other sources, to bear testimony to the progress of that colony in improvement, and to the vigilant attention of government with respect to it. The result of all his examinations was, that the two great purposes of the prosperity of the colony, and the improvement in morals of the inhabitants, were commensurate. This fact afforded an argument against the hon. and learned gentleman, who wished that all transportation should be for life, because, as he contended, in cases of transportation for a limited period, the individuals so transported were restless and unhappy; nothing but the exclusion of all hope of a return to their native country being able to reconcile them to their exile. To the description of offence contained in the Bill he had great objection. The original cause of the measure was the combination of offenders, and to combination alone ought the punishment to apply.

Mr. Serjeant *Best* denied that his hon. and learned friend (the Attorney General) had said that transportation ought in all cases to be for life. What he had maintained was, that unless the hon. and learned gentleman opposite could shew that no offence of the kind described in the Bill could by possibility occur, to which the punishment of transportation for life ought to be applied, that punishment ought to be left as the highest punishment in the power of the judge to inflict, leaving it to his discretion and that of the executive government, in other cases, to reduce the quantum of punishment in proportion to the diminution of the guilt. It had been contended, that the crime described in the Bill ought not to be made a felony, because it was not so immoral an act as the acts which were usually termed felonious. For his part, he could not conceive any act much more immoral than a malicious destruction of the property of others. There were other acts not more atrocious in their character comprehended among felonies. To destroy a turnpike was a felony. With respect to the discretion to be vested in the judge, he maintained that it was not too great. The judge was obliged to pass a particular sentence; transportation for life. But no bad consequence would thence result to the individual, if there had been any favourable circumstances in his conduct; because a representation of those circumstances to the executive authority, would reduce the quantum of punishment. He did not understand, however, that his hon. and learned friend would object to the introduction in the Bill of a clause, giving to the judge, instead of to the executive authority, that discretion, if such a clause would satisfy the hon. and learned gentleman opposite. He would like to know what view the hon. and learned gentlemen opposite took of the crime? Some punishment they would undoubtedly affix to its perpetration. Would that punishment be transportation for seven years? Why in that case, and if that punishment, on the principles of the hon. and learned gentleman, were to be inflicted indiscriminately on all offenders, by far the greater part of them would be in a much worse situation than under the inflictions of the Bill as it stood. He confessed that he, for one, should have been better pleased had the capital punishment not been abolished in the Bill: not, he trusted, because he had any disposition capitally to punish, but because he was persuaded that, had it been retained, it would have operated not cruelly, but mercifully, by deterring from the commission of the crime; and by preventing the recurrence of those disturbances which had separated so many individuals from their friends, and deprived their native country of their services. As to the question respecting combination, to require that proof should be given of the existence of a combination, would be to make the Bill comparatively inoperative. All that it was necessary to prove was, that the offender acted maliciously.

Mr. *H. Addington* argued against the substitution of the punishment of transportation for seven years for the punishment of transportation for life.

The Amendment was then negatived without a division, and the report was taken into consideration.

The *Attorney General* proposed an amendment to the clause comprehending the punishment—namely, after the words that "the offender should be transported for life," to add the following, "or for such a term of years, not less than seven, as the judge before whom he may be tried shall think fit to pronounce."

Mr. *Horner* declared that it was not in conformity to his opinion that this clause was proposed. He objected to a discretion so large being vested in the judge. It was true, that transportation for life seemed to him to be an unsuitable punishment for the offence described in the Bill; but if it were deemed by parliament suitable, he would much rather it should be absolute, than that the judge should possess such an extensive discretion as the amendment proposed by the hon. and learned gentleman went to give him. If it were not irregular to move an amendment on an amendment, he would move to leave out all the words of the clause after the words "the offender shall be transported," for the purpose of substituting the following, "for a term not exceeding fourteen years, or less than seven."

The *Attorney General* repeated his objections to striking the punishment of transportation for life out of the Bill. If no case could exist in which a greater punishment than transportation for 14 years ought to be inflicted, he would adopt the proposition of the hon. and learned gentleman. Besides, that which was called transportation for life, was not, as it had been in the infancy of the colony of New South Wales, actually so; of this there were many instances. One of a very recent occurrence, in which the inhabitants of Cambridge had been thrown into great astonishment by the re-appearance of a person who some years ago had been transported from that place for life. On investigation, however, it appeared that he had conducted himself in a manner so exemplary, that the governor of the colony had exercised the power which he possessed, of granting him a free pardon.

Mr. *Lockhart* thought, that when there must necessarily be so many shades of guilt, discretion was indispensable to the judge.

The Amendment proposed by Mr. Horner was then negatived, and the original Amendment proposed by the Attorney General adopted.

Several other amendments of an unimportant nature were introduced, and the Bill was ordered to be read a third time on Wednesday.

HOUSE OF COMMONS.

Tuesday, December 7.

The Report of the Committee of Ways and Means was brought up; the Resolutions for allowing five millions to be raised in Exchequer Bills were agreed to, and a Bill ordered accordingly.

STATE OF NEWGATE.] Mr. *Eden* rose to make his intended motion for Papers relative to the present state of Newgate. It was a duty not enjoined by law, but acted upon by grand juries, to visit gaols, and to report on any faults which they might find in their management. In pursuance of this practice, the grand jury of the city of London last week visited Newgate; and their report stated, that in that part of the gaol in which women were confined, and which was not intended to accommodate more than 60 prisoners, not less than 120 were now contained. In the other, consecrated to the debtors, and where only 100 ought to be, they had not found less than 340. To state, that most of these were in want of clothing and bedding, and that the rain beat upon them, might be sufficient to authorize his motion; but he would add a few facts from the evidence of Mr. Newman himself, given before a committee, at the same time that he would do justice to the exertions of that gentleman to do every thing in his power to render the situation of the prisoners less miserable than it was. He stated in evidence, that the wards for the women were only built to contain 56; but that, by cramming the hospital and infirmary with prisoners, they might be made to hold 100—at present they inclosed 20 above that number. The dimensions of the principal room for the women, according to his statement, were 70 feet in length and 16 in breadth. In this only 20 women were originally placed, so as to have each three feet six inches in length. Now that number was trebled, and every female prisoner had no more space allotted to her than one foot three inches. They even had less, as many were compelled to keep their children with them for want of a home to send them to. What was the description of the prisoners thus crowded together in that gaol? They were convicts sentenced to transportation, but who were compelled to wait, as the means of conveyance were not ready, or because they were too ill to be removed. They were also prisoners on suspicion of crimes; the hardened were mingled with those who had but just committed a first offence, and who, if they had brought a single seed of virtue into that horrid den, would soon have it choaked in the company of the most abandoned. On the part of the debtors confined, (whose number, he hoped, the Act to be passed this day would greatly diminish, by depriving the creditor of the power of punishing the insolvent debtor) the want of room, and difficulties, were the same. As to the male felons, the grand jury stated nothing; but it was notorious that the same system of mingling the hardened with the first offenders prevailed. These were the facts which induced him to form his present motion. He made it for two additional reasons; because to make an evil public was a great redress; and because he should, after the recess, move for a committee to inquire into the state and regulation of prisons. The paper for which he should move had already been taken into consideration by the city of London, a building was ordered to be prepared, and a remedy proposed to soften the evil. It therefore could not be beneath the notice of parliament to contribute by its attention to the relief which it was now endeavoured to yield to so many unfortunate prisoners. The hon. gentleman concluded by moving, that a copy of the papers respecting the state of the gaol of Newgate, lately presented to the judges by the grand jury, be laid before the House.

Sir *W. Curtis* seconded the motion; at the same time, he expressed his firm opinion, that however unfortunate the situation of the prisoners in Newgate was, no blame could be laid on Mr. Newman, who had done every thing which his limited means allowed to improve it.

Mr. Alderman *Combe* followed the same line of argument.

Sir *James Shaw* thought that the more the House should inquire into the management of Newgate, the more it would find that every thing was done, consistent with existing means, to accommodate the prisoners. The overfulness of the gaol was the cause of their distressed situation; and this was occasioned by the failure in the operation of the Insolvent Debtors' Act. The number of persons confined for debt in Newgate now amounted to 355. It was the object of the city of London to remove all debtors from that gaol; and for that purpose a building was erecting, which would contain about 500 debtors. Nothing, therefore, was wanting on the part of the city of London, in disposition to accommodate that class of individuals. The room provided in Newgate for felons and convicts was not intended for more than 370, and now contained 479.—This was chiefly occasioned by the necessity in which many convicts were placed of waiting till a sufficient number had accumulated to be sent to New South Wales. The sheriffs of London, with that due attention to every branch of their duty by which they had distinguished themselves, had about three weeks ago represented to the noble lord holding the office of his Majesty's secretary of state, the necessity of procuring shipping to ease Newgate of the number of convicts sentenced to transportation which it contained. The reply which they had received was, that every thing possible should be done by government to procure the necessary shipping. When the debtors should be for ever removed from that gaol, and 200 convicts transported, the number that would remain would not then much exceed 300; and the capacity of Newgate would then allow that separation between hardened and new offenders to be made, the propriety of which every one must acknowledge, while lamenting its present impracticability. He had thought these explanations necessary, when he found that the motion of the hon. gentleman opposite seemed to imply a charge both against the keeper of the gaol of Newgate, and against the city of London. He trusted he had now satisfactorily shown the origin of the evil, and the prospect of its being remedied.

Mr. Alderman *Atkins* vindicated Mr. Newman from any blame which might by implication have been attached to him in consequence of the present motion. Every thing was done to keep Newgate in the best order, and in the most cleanly state. If any member of the House looked at that prison in the morning, he would not be ashamed to compare it with any dairy in the country. Much of its inconveniences were to be attributed to the prisoners themselves, and especially the women, whom it was impossible to keep clean. The great grievance was, the too great number of prisoners.

Mr. *Abercromby* expressed his satisfaction that this motion should have been brought before the House, and met in the cheerful manner it had been. It was impossible to speak with too much regard of the attention and humanity of Mr. Newman; but he must own, that having occasion to visit Newgate two years ago, in his capacity as a member of that House, the state in which he found it made him consider it as a disgrace to this metropolis, especially the wards of the women. He agreed with the last speaker, that women might be less disposed to cleanliness, yet the place was not such as humanity required should be provided for them. Comparing the returns of the average number of prisoners with the capacities of the gaol itself, it was evidently impossible to class the prisoners according to their various shades of offence. That could only be effected by a particular provision for that purpose.

Mr. Alderman *Smith* spoke generally on the depravity and ill conduct of prisoners, which greatly impeded any exertion made in their behalf.

Mr. *Lockhart* thought, that there were two causes of the distresses experienced in Newgate—the one temporary, and the other lasting. The first related to debtors, and he hoped the present Act would remove it. The second, to the hardship of prisoners being compelled to wait till their number was sufficiently considerable to allow of their being transported. To remedy the latter, he thought it would be preferable to select a new place of banishment, and form a new settlement nearer home, which would admit of a more frequent embarkation on the part of the convicts, and at less expence. There was also another method which might lead to a diminution of their numbers. He wished government should investigate their particular offences more deeply; and if they were found, as it might often happen, worthy of pardon, that it should be granted at once, and they should not be left to be entirely corrupted by the company of the abandoned.

The motion was then agreed to, and the papers ordered to be laid before the House.

INSOLVENT DEBTORS' AMENDMENT BILL.] On the order of the day being read for the third reading of the Bill, Mr. Serjeant Best moved that it be recommitted.

The *Speaker* said, that the stage at which this could be done was past; and that, according to the regulations of the House, the Bill must be now read a third time.

Mr. Serjeant *Best* had understood, when he gave notice yesterday of his intention to move for the recommitment of the Bill, that his proposal had been agreed to by the hon. gentleman opposite.

Mr. *Horner* stated, that if the hon. and learned serjeant supposed that he had agreed to the recommitment of the Bill, he was in an error; as, instead of advancing it, it would have been taking a step backwards.

Mr. Serjeant *Best* thought, that were the Bill to pass without the amendments which he had to propose, it would not perform the office which it was intended to perform. In the original Bill passed last session, there was a clause which he was astonished should have escaped the attention of the members, and should have been allowed to become part of the British law. It was therein enacted, that if a party concealed property to the amount of 20*l.* he should be liable to capital punishment. This was an innovation of the most dangerous tendency. It had never happened in any case before, that a British subject was exposed to capital punishment without the double protection of two juries, of a grand jury, and of a jury on his trial; while by the clause as it stood in the Bill, he might be convicted at once on a mere information. There were also many other clauses of this amended Bill, which required to be altered to render it efficient, before it passed into a law. In the third section it was stated, that any insolvent debtor, desirous to take the benefit of this Act, should give notice of his intention in the London Gazette, or any other newspaper. Thus the debtor was allowed to choose any paper which he might think least likely to meet the eyes of his creditors. Another clause allowed debtors to be brought before magistrates, out of quarter sessions, but did not invest those magistrates with sufficient authority to act. He mentioned these facts not in a spirit of hostility to the Bill, but to show the propriety of placing it in a situation in which it could be satisfactorily amended. If passed as it stood, it was impossible that it should be executed. The House must recollect, that all prisoners were not to be discharged; that a difference should be made between those who had been rendered insolvent by misfortunes and by fraud. But how could the court ascertain when misfortune and fraud were at the root of insolvency, if the Act did not point out any means of obtaining satisfactory evidence? Suppose that a debtor from Northumberland should be confined in the Fleet or the King's-bench, which frequently happened, as prisoners possessed the means of removing themselves from a country to a town gaol. Was the creditor, defrauded, and perhaps deeply injured in his circumstances, by the villany of the debtor, to be at the expence of bringing not only himself, but his witnesses from Northumberland with him to prove the fraud committed upon him? It might happen, and it undoubtedly frequently happened, that the debtor's dishonesty had put it out of the creditor's power to incur the expence necessary to prevent him taking the benefit of the Act, and to recover his own property. Thus fraud produced its own security! For the purpose of amending this defect, he intended proposing a clause, which should empower creditors in the country to go to magistrates within the districts, before whom they should state and prove their case, and transmit an authenticated copy to the court, against the debtor. This was certainly a bad way of administering justice, but it was the only one consonant with the nature of the Bill that remained. —To the principle of this measure he was not hostile, but he thought that as it stood at present it made no difference between the honest and the fraudulent debtor. It was said to be founded on the principle of the *cessio bonorum*, but not sufficiently so. He wished it to be carried farther on that plan. He wished to make this *cessio bonorum* in some cases preventive of the imprisonment which insolvency was likely to occasion. There were many individuals to whom passing the threshold of a prison was as severe punishment as protracted confinement. The idea of it was revolting to their minds. The present Bill did not offer these any relief; it did not go far enough. He wished to present a temptation to a timely settlement; and to induce debtors, as soon as they found themselves likely to become insolvent, not to hold their creditors at arm's length, but immediately to call them, and adopt the only means which could procure a satisfactory arrangement to all parties, securing the one against further losses, and the other against confinement. He would, therefore, propose a clause enacting that debtors rendered insolvent by proved misfortunes, and coming forward in time to satisfy their creditors as to their real condition, should have the benefit of the Act without being sent to prison. If they were to be confined even three months only, then the greater part of the money they might still possess, would, in that period, have passed into the hands of gaolers and other persons, to the real detriment of the creditors. It also frequently happened, that either through malignity, or through a vain wish of delaying the dreaded hour of imprisonment, a debtor defended causes, which led his creditors into useless expences, and only served to bring down increased ruin upon himself. He would make a difference between those who acted thus, and those who called at once their creditors, and put them fairly in possession of the real state of their affairs. He intended, therefore, to propose a clause, enacting that when a debtor should defend hopeless causes, and a verdict should be found against him by a jury of his countrymen, he should be punished, not merely by the three months of imprisonment mentioned in the present Bill, within the rules of the prison, where it was known so many comforts and indulgences might be obtained, but by twelve month's close confinement within the walls of the gaol. On the contrary, the honest but unfortunate insolvent debtor should be entitled to his freedom after three months; but if it was proved that he had been reduced by expences into which he had no right to launch, by living above his condition, and thus incurring wanton losses, he should not be discharged under a twelvemonth. In the case of bankrupts, if a man gave a fortune to his children subsequent to an act of bankruptcy, he was not entitled to his certificate, or if he had wantonly lost 100*l.* within the twelvemonth. Why should it be different in the case of an insolvent debtor, if it should be proved, that within the same period, he had either transferred a fortune to his children, or incurred similar wanton loss? He therefore wished to add a clause to the Bill, which, acting like the provisions of the bankruptcy law against the granting of certificates in such particular cases, should deprive the insolvent debtor, placed in similar circumstances, of the benefit of the present Act.

The *Speaker* then stated, that, consistently with the regulations of the House, the Bill must now be read a third time; and then any hon. gentleman might offer clauses as amendments, or move to postpone the passing of the Bill.

The Bill having been read a third time, Mr. Serjeant *Best* proposed his first clause, allowing debtors, whether any action had been brought against them or not, to have the benefit of the Bill.

On the motion that the clause be brought up,

Mr. *Horner* expressed his wish to trouble the House with a few words on the subject. As the hon. and learned serjeant had declared that he was favourable to the principle of the *cessio bonorum,* he was satisfied that it was so; otherwise, from the general tenour of the hon. and learned serjeant's speech, he should have concluded otherwise. From the mode in which the hon. and learned serjeant had assailed the Bill, he was really apprehensive that he was altogether hostile to it, until he expressed his acquiescence in that principle on which it was mainly founded. He confessed that he was much surprised, however, at the objections urged by the hon. and learned serjeant against parts of the measure, recollecting, as he did, that the Act of last session passed through the House without any objections having been made to it on the part of the hon. and learned serjeant. He regretted that the objections in the present instance had been deferred to so late a stage of the Bill. Still he was glad to find that the hon. and learned serjeant approved of the principle of the measure, and so approving of it he trusted that he would not endeavour, by any delay or obstruction, to throw difficulties in the way of its execution. When he said this, he begged to be understood that he was persuaded no one was better qualified, both from his legal knowledge and his experience, than the learned serjeant, to suggest many improvements, not only in the Bill before the House, but in any Bill of a similar nature that might be introduced. But he would take the liberty of suggesting to him the expediency of allowing the Bill to pass in its present form; as the subject was one to which both in this and in subsequent sessions the attention of parliament must be repeatedly called, before the statute could be rendered as perfect as it was desirable to make it; and consequently the hon. and learned serjeant would have abundant opportunities of bringing forward any proposition that he might think fit to introduce. With the utmost deference to the judgment of the hon. and learned serjeant, he would submit to him the wisdom of this postponement, even with a view to the attainment of his own objects. He said this with the utmost sincerity; because, although parliament had (wisely, he contended) adopted a great innovation during the last session in the law of England, on this subject, by the admission of the principle of the *cessio bonorum,* the hon. and learned serjeant had that night proposed innovations on the law of England of a much more extensive description. For instance, the hon. and learned serjeant seemed to think that it would be proper to extend the benefit of the bankrupt laws to persons who were not traders. He seemed to think that it would be proper to designate a new description of punishable crime. And through all the clauses, which the hon. and learned serjeant had intimated that it was his intention to propose, and through the whole of the hon. and learned serjeant's speech, he seemed to take a view of the doctrine of imprisonment for civil debt, wholly different from the law as it existed before the measure of the last session, and wholly different from the true principle of that measure itself. The hon. and learned serjeant proposed, that the benefits of the Bill under discussion (a Bill, he begged the House to remark, for the discharge of insolvent debtors in prison) should be extended to debtors not in prison, or not going to prison, who were insolvent, and who could satisfactorily prove that their insolvency was the result, not of criminal extravagance, but of inevitable misfortune. He (Mr. Horner) was not prepared to say that there might not be great wisdom in the adoption of such a proposition; but he was prepared to say, that it was an innovation on the existing law, of such an extent, as to require a great deal of consideration. He would also take on himself to assert, that a more novel or a more daring innovation on our jurisprudence had never been proposed either in that House, or elsewhere. It was very true, that there were cases in which insolvency could be traced only to an extraordinary concurrence of calamitous circumstances, and in which the insolvent person was wholly free from blame. At the same time, it was well known that those cases were of rare occurrence; and that the task of distinguishing between such cases and cases of an opposite description was one of the most unfit duties that could be imposed on courts of justice. For what were the objects that courts of justice must consider in an investigation of that nature? They must examine the whole history and circumstances of a man's life, from his commencement in business until the period at which his affairs might be brought before them! They must inquire into all his connections—they must ascertain all his resources—they must investigate all his modes of expenditure—they must trace him through all the ramifications of his manners, and habits, and occupations. Even if a moral tribunal were constituted for such a purpose, it would be found inadequate to its execution; but that a person possessed of such legal knowledge and experience as the hon. and learned serjeant should think of making it a matter of judicial proceeding, did, he confessed, not a little surprise him. He repeated, that the cases were rare in which insolvency was attributable solely to misfortune. More or less of indiscretion and criminality was usually mingled with the cause; and in his opinion, it was much better to leave the determination on this subject with those individuals with whom an insolvent person had now to deal (his creditors), than to submit it to any tribunal whatever, moral or judicial. Those individuals had the best opportunities of knowing, from their acquaintance with the debtor, whether or not his conduct had been culpable or otherwise. The hon. and learned serjeant, however, seemed not to think so; and all at once, on the third reading of the Bill, he proposed a clause, declaring that an insolvent person who could shew that he had become insolvent from misfortune alone, and who had surrendered all his effects, should be discharged without an hour's imprisonment—without affording the time required to make the necessary arrangements attendant on all insolvency, and in which arrangements the insolvent person was frequently as much interested as any other person. There was another novelty proposed by the hon. and learned serjeant; namely, that if any debtor fought off the demands of his creditors, and allowed them to go to judgment, either on a demurrer or by the verdict of a jury, such debtor should be punished by a more rigorous species of incarceration than had hitherto been known in the law on this subject—close confinement. Now it might be very proper that a debtor so attempting to defeat his creditors in their legitimate object, should be subjected to some mode of punishment; but he should like to know if it was not a new principle in the law of England, to apply imprisonment to a debtor as a mode of punishment at all. Unquestionably, creditors had it in their power to imprison their debtors to enforce a disclosure of property, and a payment of their demands; but certainly the law of England never recognised this imprisonment as a punishment, or it would have been found where alone the power of punishment was ever vested by the law—in the hands of the public. Really, the more he considered these speculative projects of the hon. and learned serjeant, the more strongly he must recommend their postponement to some future period. There were other clauses to be proposed, it seemed, by the hon. and learned serjeant, on which he would comment particularly when they should be individually before the House. It did certainly appear to him difficult to reconcile the anxiety of the hon. and learned serjeant on the present occasion, with his silent acquiescence in the Act of last session. But if there were wanting any thing to convince him (Mr. Horner) how much benefit would be derived from the Bill before the House, it was the nature of the objections which alone, after great consideration, so learned and acute a person as the hon. and learned serjeant was enabled to urge against it. The hon. and learned serjeant objected to that part of the Bill which respected the notices; and having stated that the notices were to be inserted in the London Gazette, and in any other newspaper that the debtor might choose, exclaimed, "Was there ever such a regulation heard of?"—Now he begged pardon of the hon. and learned serjeant, but certainly he had never read the Bill; for if he had, he would have found in the next line, that the choice of the newspaper was to be, not at the discretion of the debtor, but at the discretion of the court. So with respect to the hon. and learned serjeant's objection relative to the jurisdiction of the magistrates. The hon. and learned serjeant, having just stated, that the Bill allowed a prisoner for debt to be brought before justices of peace in the country, in session and out of it, asked why, as by the Bill, justices could not do any thing out of session; and added, that this exhibited great carelessness in the drawing of the Bill. He must be allowed to say, that this remark exhibited great carelessness on the part of the hon. and learned serjeant in reading the Bill. If the hon. and learned serjeant would read the Bill, and the Act of last year together, he would find that there were some things which they could do out of session. The judge of the insolvent court had power under the Act to direct magistrates in the country to take the examination of a prisoner for debt, either in session or out of session, for the purpose of certifying to the judge those circumstances on which he was to ground his judgment. By the Bill of Amendment, a power was given to the magistrates, not merely to examine, but to form a judicial opinion, whether or not the debtor was a fit person to be discharged; that opinion to be forwarded for the information of the judge of the insolvent court; and this power was vested in the magistrates, in or out of session. There remained, as he believed, but one other objection to the Bill, on the part of the hon. and learned serjeant. The hon. and learned serjeant had referred to the Act of last year; and had adverted to a clause which he stated to be in that Act, declaring a debtor who concealed from his creditors property to the amount of 20*l.* guilty of a capital crime, without those ordinary forms of previous trial which the law required. He was ashamed to say, that he was not sufficiently acquainted with the Act in question, to be aware of the existence of such a clause. If it did exist, it might be proper that it should be rescinded; but—

Mr. Serj. *Best* here stated across the table, that he found the clause alluded to, although in the Bill of last session when first introduced, had been struck out in the progress of the measure through the House.

Mr. *Horner* observed, that this was another instance of the inaccuracy of the hon. and learned serjeant, who, nevertheless, had so freely charged others with carelessness and inaccuracy. A great part of the hon. and learned serjeant's invective and declamation had been bestowed on a clause which he had contended constituted a crime unknown to the law, and enacted a punishment destructive of the rights of the subject; and it now appeared, by the hon. and learned serjeant's own confession, that no such clause was in existence; but that, though introduced in the Bill of last session, the House in its wisdom had thought proper to expunge it!

Mr. *Lockhart* said, that the Act of last session had proved wholly inefficient up to the present moment, not a single debtor having been discharged under it. He had no hostility to the Bill whatever. On the contrary, he thought that, properly modified, it might be very serviceable. The hon. and learned serjeant had been unjustly charged by the hon. and learned gentleman with an attempt to introduce a great innovation in the law. All that the hon. and learned serjeant proposed was, to discriminate, if possible, between the unfortunate and the criminal debtor. It might be difficult to do this completely; but the attempt was laudable, and even an approximation to success would be attended with the highest benefits. It was no novelty whatever, to give to persons not in trade the option of taking the benefit of the Insolvent Act. How easy was it now for any person to make himself a trader! He had only, in confederacy with others, to draw and re-draw bills, and he would thus qualify himself to take the benefit of the Insolvent Act. It was so also with the bankrupt laws. An individual had only to prevail on a friend to take out a commission against him, and he could then avail himself of all the benefits of the Act. For his part, he thought the hon. and learned serjeant entitled to the applause of the House and the country, for endeavouring to introduce the discrimination he had alluded to. He was sure that all the commercial world, and every honest man, would wish, now that parliament was modifying the law on the subject, that some such discrimination should, if possible, be adopted; and that the honest, but unfortunate debtor should not be branded by being placed in the same situation as the debtor whose conduct had been extravagant and criminal. It was true, that, technically speaking, imprisonment for debt was not known to the law as a punishment. But unquestionably it did operate as a punishment; and he could not conceive what objection there could be to modify the power of the creditor on this subject. What could be more just than that the degree of suffering should be proportioned to the degree of criminality? He confessed that he thought in many cases a false compassion had been shown to debtors; he said false, because the consequence of it had frequently been to throw the unfortunate and injured creditors into the prison from which their debtors had been liberated. He repeated, that the commercial world, and every friend of good order and justice, must be grateful to the hon. and learned serjeant for his proposition; and if he did not press it at present, he trusted he would introduce it at some future period, after a more ample consideration.

Mr. *Abercromby* contended, that the hon. gentleman who had just sat down, had much misrepresented his hon. and learned friend, whose only regret was, that the hon. and learned serjeant had deferred his objections to the Bill until a stage so late; and who, so far from treating with indifference the opinions of the hon. and learned serjeant, had expressly declared, that there was no one from whom he would more eagerly court discussion on such a subject. He was sure the hon. and learned serjeant must, however, be aware, that even if ultimately he could prevail on the House to adopt his propositions, it could not be until after such mature consideration, and such nice balancing one difficulty against another, that it would be highly inexpedient to press them at the present moment.

Mr. *Hammersley* declared, that in his opinion, the public were extremely indebted to the hon. and learned serjeant for his endeavour to make a distinction between the unfortunate and the guilty debtor. Any Bill which might pass without such a distinction, would in his opinion be very injurious to the community.

The clause was then negatived without a division.

Mr. Serj. *Best* next proposed his clause for punishing debtors who defended the actions of their creditors against them as long as possible, with imprisonment for twelve months. This was what was technically termed a sham pleading, and no argument that he had heard would deter him from proposing this clause to punish it.

Mr. *Lockhart* suggested that the clause should be made operative, not on those now in prison for debt, but on those who might hereafter be so.

Mr. Serj. *Best* acquiesced in this suggestion.

The gallery was then cleared for a division on this clause. Strangers were not re-admitted; but we understood, that Mr. Serjeant Best withdrew this and his other clauses, signifying his intention of introducing them in a distinct Bill in the course of the session; and the Bill was then passed.

HOUSE OF COMMONS.

Wednesday, December 8.

Frame Breakers' Bill.] The Attorney General moved the third reading of this Bill.

Sir *S. Romilly* stated, that an Act of the 28th of the King, making the same offence, or nearly the same offence, felony, was already on the statute book; and asked whether there was any intention to repeal that Act on passing the present?

The *Attorney General* said, the same objection might have been urged last year to the temporary measure, which was then made to the permanent one. He had no objection to the repeal of the former Act, which he believed, however, was not the same as the present.

A Member, whose name we could not learn, said, that in the case of the King v. Cator, where the offence was seducing artificers out of the country, it had been decided that a subsequent Act against any offence virtually repealed a former one.

Sir *S. Romilly* thought that this might be true, where the offence was altered from a misdemeanour into a felony; but not where a more severe punishment was demanded against the same description of offence.

The last speaker replied, that the case he had alluded to was of this description. The punishment had before been 100*l.* fine, which was increased to 500*l.*—The Bill then passed.

Insolvent Debtors' Bill.] On the third reading of this Bill, Sir *S. Romilly* moved, as an amendment, to leave out two words in the Bill. As it at present stood, the debtor was required to make oath as follows:—"At the time of passing this Act I was in custody, and have ever since my commitment been a close prisoner." He proposed to leave out the words "my commitment," which would deprive the prisoner of the benefit of the Act, if at any time since his being first committed to prison, he had either escaped from prison, or had his liberty allowed him, though it might have been ten years ago.

After some conversation between Mr. Kenrick, Mr. Lockhart, and Mr. Serjeant Onslow, the Bill passed with the amendment.

HOUSE OF COMMONS.

Thursday, December 9.

Wild Fowl.] Mr. *Harvey* moved for leave to bring in a Bill for the better Preservation of Wild Fowl; such as wild ducks, teal, widgeons, &c. The Acts of Anne and George 2 on this subject contained no provision against the destruction of wild fowl which were the property of individuals, by firing at them: and he was desirous of proposing a penalty for this offence, when committed within a certain distance of a decoy, by persons not entitled to do so. Leave was given, the Bill was brought in, read a first time, and ordered to be read a second time on the 3d of March, 1814.

East India Duty Bill.] After some remarks from Mr. Robinson on one of the clauses,

Mr. *Fawcett* made several observations on the Bill. It seemed necessary that those who were to apportion the ad valorem duty at the outports, should understand the quality and value of the articles imported: particularly the cotton goods. Sugar also required some regulations; there being a great difference in the prices of East and West India sugar, the freight of the former being so much more expensive.

The *Chancellor of the Exchequer* observed, that the greater part of this subject had already been discussed. He admitted, that difficulties generally arose in the collection of ad valorem duties. In the present instance, the collection was experimental, and might be improved by the results of experience. Notice had been taken of the small allowance of tea, beyond which a ship would be rendered liable to forfeiture: but it was necessary to guard against the illicit importation of tea, for the interests both of the country and the East India Company. It might happen, that a ship might necessarily have more tea on board than she ought to carry. If inconveniencies occurred, he had no doubt that parliament would relax the measure according to circumstances. The rule was the same as had generally applied in such cases. If the present plan was too strict, it could be afterwards taken into consideration; he then moved a clause, compelling all persons making shipments to deliver an exact account of the different articles, which was agreed to.

The Bill was read a third time, and passed.

Circuitous Trade Bill.] Lord Castlereagh moved the third reading of this Bill.

Mr. *Grant* said, he could not help expressing his apprehensions, that the proposed Bill would be found to militate against a principle which, till of late, seemed to have been considered as fundamental in the commercial policy of this nation; namely, that the metropolitan country should be the centre of all the foreign trade of its distant dependencies; India, as well as those possessions strictly called colonies. This was the doctrine held in the long administration of Mr. Pitt, and particularly applied to India by the late lord Melville. Upon the first intimation, in the discussions on the renewal of the charter, of a wide departure from this policy, Mr. Grant said he had lifted up his feeble voice against it.

It is now proposed to innovate upon the principle here mentioned; and, in fact, to break it down by opening a circuitous trade between the United Kingdom, India, North and South America, and the interjacent countries out and home, foreign Europe and our American colonies excepted. The effect of this would be, to enlarge the direct intercourse between India and North and South America, but to deprive the United Kingdom of part of the Indian trade which it now enjoys. The Bill indeed provides, that ships engaging in this circuitous trade shall clear out from the mother country; but having done this, they may, after performing the circuitous voyage, return hither in ballast, or, for aught that appears in the Bill, not return at all. They may go on trading during their existence in the circuitous route between Asia, America, and Africa, without ever returning to this kingdom again. This was not a trade which promised much to enlarge the exports of British manufactures. The American continent, particularly Brazil, is supplied by other means with our manufactures to the extent of its demands. The islands at which ships may touch in their way to India, and India itself, can take off no large quantity of those manufactures in addition to their present consumption. Ships then may often go out partly in ballast, and either take specie to purchase their Indian cargoes, or procure cargoes by Indian capital, which will make the trade essentially Indian. This may be the way to enrich India and America, but is not the way to enrich this country. Even the carrying part of this trade cannot be secured to British shipping; much less the profits of the trade to British merchants; and in proportion as this becomes a direct trade between India and America, Great Britain loses the duties that would have attached by making it the medium; and its American and West Indian colonies will be well supplied with Indian manufactures by the subjects of the United States and of South America. What shall hinder foreigners, a native of South America, for instance, from settling in London for the privilege of carrying on this trade—for the purpose of fitting out ships from hence for it, and withdrawing with their property when they shall have acquired any in that trade. Is it supposable, that when a direct trade is established between India and South America, for instance, Indian shipping can be excluded from this trade? British residents and Indo-British subjects will, under foreign flags, if not otherwise, carry on this trade; or ships navigating under the British flag might make those islands at which they are allowed to touch, places of depôt for Indian goods, to be supplied to foreign Europe. But Mr. Grant said, he was glad to understand that a provision against this last-mentioned practice was intended to be introduced into the Bill. However, the trade would still be one, the benefit of which would centre in India, not in this country, and accelerate the progress of India to independence, as the trade of our former American colonies to foreign Europe accelerated their independence.

But some gentlemen are not satisfied because this innovating system is not pushed still farther—they require, that foreign Europe should be open to the importations of British subjects from India. Not contented with having broken down a system which had existed two centuries, to the signal advantage of this country, and broken it down upon pretences of opening a new world of commerce, which pretences have now proved "the baseless fabric of a vision," the same parties desire, that the restrictions upon the trade from India to foreign Europe may be abolished. And upon what plea? because it is said foreigners may carry on trade from India to any part of Europe, and this is denied to British subjects, who are therefore placed on a worse footing than those foreigners. The position, however, is erroneous. The only foreigners who of late years traded to the British ports in India (excepting the Portuguese, of whom he should say something afterwards) are the North Americans; and they have been restricted to a direct trade, in exclusion of a circuitous one, to and from India and the United States; they have also been subjected to double duties. The same regulations ought to be observed with regard to all foreigners admitted to British ports in India. If any of the foreign European settlements on the continent of India are restored upon a peace, it should be with an express understanding that they are to admit no transatlantic flag but their own. This was undoubtedly the principle of the privilege originally conceded to them by the native sovereigns, on the east of India especially. They obtained each a place of trade for themselves, not a free port for the flags of all countries. This we, who have succeeded to the sovereignty in India, should insist on. The Portuguese only still retain ancient Indian possessions of their own, and privileges of trade, which, consistent with good faith, we cannot now annul without their consent; but east of Cape Comorin they have only one small settlement which is in Bengal, and there they ought to be subjected to the law just mentioned. Nothing in the late treaty with them opposes this, seeing they are, as to our Indian trade, put only on the footing of the most favoured nations; and none should be exempt from this law. The Portuguese have indeed made Goa, which was originally a conquest, a free port; but it cannot supply the great staples either of the east or west of India for the European market, without the performance of a double voyage. The whole of the argument in favour of the present measure, derived from the trade which foreigners have of late years carried on with India, appears to be unsound; because, first, The considerable share of Indian trade which foreign Europe, and America, have enjoyed within the period of the Company's last charter, has been owing to the unnatural state of war in which the world has been long held. Secondly, Because upon a return of peace they will not only be deprived of their preceding advantages, but we may admit them into the commerce with British India only on the principle of a direct trade between their countries respectively, and India, for the supply of their own wants; and, thirdly, If solid peace were to return, the advantages possessed by British subjects in the Indian trade (no foreigner being allowed to bring Indian commodities into the British dominions) would give the country a vast preponderance in this trade; all which advantages will be thrown away by the system now about to be introduced. Britain might be in a great measure, as formerly, the emporium of Indian trade; the superiority and variety of the Company's cotton fabrics, with the quantities of them imported in private trade, and the great staple of indigo, would continue to attract hither, as formerly in time of peace, a concourse of buyers from the continent, by which other speculations in the commerce of this country were also promoted; but by the proposed law, we shall deprive ourselves of this superiority; the resort of buyers from all parts of Europe, for the purchase of Indian commodities here, must so far diminish, as materially to affect the sales of the East India Company; and if British merchants are allowed to carry goods to foreign Europe, this resort must cease entirely.

The abilities of the noble lord may perhaps be employed to shew, that he has taken the golden mean, the happy medium between two parties; but it may be feared, we shall be found, in the rage of innovation, to have frustrated our own aim, of adding to the commercial resources and greatness of the country.

Lord *Castlereagh* flattered himself that he had so narrowed the operation of the Bill, that it would not occasion any very serious difference of opinion. He had before stated, that at some future time a more extended measure might be expedient; but he had abstained from proposing any such at present, conceiving that it would hardly be candid in the present state of the session to push any thing to which very material objections might exist on any side. If it were thought that the islands in the Atlantic alluded to by the honourable director, namely, the Cape de Verd islands, the Canaries, and Madeira, were likely to afford a foreign depôt that would break in on the circuitous trade, he saw no objection to take them out of the Bill; but really as to the rest of the measure, he did not see how it could be objected to, unless the combat of last session was to be renewed, and unless the faith of parliament was to be violated, and the hopes of those to whom that faith was pledged were to be disappointed. The hon. director had argued the question as if our possessions in India were a colony. They were never so considered. They had never been considered as a colony, from which foreigners were excluded; but, on the contrary, great liberality had been exercised in that respect. Then as to the general policy, and the injury which this country might sustain from the fructification of the commerce of British subjects abroad, or from the employment of the capital of foreigners at home, he confessed that he could never think it an injury to the country that a British merchant should extend his commercial affairs in foreign countries, or that a foreign merchant, by carrying on commerce in England, should at once serve himself and benefit the empire. This was a subject which ought to be viewed with a liberal feeling; and so far was he from being alarmed at the two cases suggested by the hon. director, that he thought sound commercial policy demanded the encouragement of them. He must look at the question, not as the hon. director looked at it (and very properly) in a corporate, but in a national view. Parliament, in the act of giving to the East India Company the exclusive trade to China, had declared to them, that they must share the remainder of their commerce with the other subjects of the land. Now, unless the private British merchant had the common facilities given him for constructing his voyage, and coming to an advantageous market on his way home, he would not start fairly with his competitors. He reprobated all attempts at obtaining undue advantages in commercial matters. It was the general interest of commerce, that commercial men should stand on equal grounds; and when one party attempted to injure another, the wound was usually mutual. Let the English merchant prosecute his speculations to America, if they were favourable to him; and if they were not so, he would abstain of his own accord. He repeated, that he had already narrowed the Bill (and he would still further narrow it by striking out the Atlantic islands), in order to prevent any serious discussion. And he suggested the expediency of postponing the debate on the larger question to a future period; and of concurring not to fight by anticipation that battle which some time or other would probably be fought on the subject.

Mr. *Grant*, in explanation, said, he had not considered India as if it were under our colonial system, having expressly spoken of the rights of other European nations settled in that country. Nor had he treated the present question as the India Company might be affected by it, but upon principles of national policy.

Mr. *R. Thornton* expressed the satisfaction which he felt, and which he was sure the India Company would feel, at the noble lord's having consented to except the islands from the Bill; apprehending, as they did, that those islands would otherwise form a depôt, whence to supply England at present, and foreign Europe at a future period. Neither were they very partial to the concession which was now to be made to British merchants, of allowing them to embark in the coasting or carrying trade of India. They knew that the merchants were to be allowed to go from port to port in India, for the purpose of disposing of their cargoes, or collecting freight; but they conceived that the coasting trade should be left to the country ships. Although he was not much alarmed at the present Bill, he confessed that he did feel alarm at what had fallen from the noble lord, as to measures that he might propose at a future time. He hoped that evil day, however, would never arrive; and while he thanked the noble lord for the liberality he had shewn upon the present occasion, he trusted, that it would be an encouragement to him to continue that liberality.

Mr. *Finlay* thought it evident, that the capital of the East India Company was not sufficient to embrace the whole trade of India, as well as China; and that it therefore stood to reason, that the British merchants should be allowed to embrace that part of it to which the Company was not equal. When this was permitted to them, he thought they should have the same facilities that foreigners had for carrying on the trade. He denied that it was on account of her neutral character that America had of late years traded so extensively to India. While most of the ports of Europe were under French controul, they were shut against American ships laden with India produce, as much as against British ships. The great advantage which the Americans possessed was, in their being at liberty to embark in the trade to India with ships of whatever burthen they thought proper, and which they might send at whatever time was most convenient. He was convinced that the depriving British merchants of those facilities for carrying on the trade which foreigners enjoyed, was not the way to make this country the emporium of the India trade. There was no occasion for binding the British merchants to return immediately to this country; for every British merchant would naturally feel desirous to return to Britain, unless his commercial interests should detain him abroad.

Mr. *Robinson* re-stated several of the arguments urged by his hon. friend (Mr. Grant), though he admitted that the expulsion of the islands from the Bill would remove much of his objection to it. He condemned, however, the privilege which private vessels were to enjoy of carrying on the coasting trade in India. He had understood that those vessels were to be permitted to go from port to port in India for the purpose of selling their outward, and of purchasing their homeward cargo; but he had not been aware, that it was intended to allow them to interfere with the Company's shipping interest in the coasting trade.

Mr. Alderman *Atkins* was proud to see that this Bill was likely to extend the intercourse to India through British shipping. He thought the noble lord had most accurately laid down the true principles which should guide the practical merchant, as well as the statesman. If, in order to gain exclusive advantages, we were to lay on duties, or embarrass the trade of foreigners, they might also lay on counter-duties; and in this manner the general interests of commerce might be injured, without our obtaining those advantages which the fair principle of competition might ensure to us. When he contemplated the advantages possessed by the neutral traders, he felt alarmed; but he now saw that the present Bill gave the same to British merchants. He thought that, in consequence of the operation of this Bill, England would really become the emporium of the East.

After a few words from Mr. Fawcett and Mr. Idle, the Bill went through the Committee (in which the clause respecting the islands of Cape de Verd, the Canaries, and Madeira, was expunged), and the report was ordered to be received tomorrow.

HOUSE OF LORDS.

Friday, December 10.

The royal assent was notified by commission to the Exchequer Bills Bill, the Scot's Salt Bill, the Mutiny Bill, the Local Militia Bill, the Militia Amendment Bill, the Insolvent Debtors' Amendment Bill, the Madder Bill, the Watch and Ward Bill, and two private Bills.

The commissioners were the Lord Chancellor, lord Walsingham, and lord Redesdale.

Frame-breaking Bill.] The House resolved itself into a committee on the Frame-breaking Bill.

Lord *Holland* observed upon the absurdity of the wording of the Bill, which stated "that whereas it is expedient to amend and render perpetual the said Act (the former Act), be it therefore enacted, that all the provisions of the said Act shall cease and determine."

Lord *Redesdale* proposed amendments to obviate this incongruity, by inserting words to the effect, that the former Act should be repealed, and other provisions substituted in lieu thereof.

These amendments having been agreed to,

Lord *Holland* expressed his satisfaction at the repeal of the former Act, and that ministers had found it effectual in putting down the evil. That it had been so effectual, however, was owing to the activity, the intelligence, and zeal of the corporation of the town of Nottingham. He mentioned this, because it would be recollected, that some time since a Bill passed the three branches of the legislature, for depriving that corporation, to a considerable extent (unjustly, as he contended), of their corporate rights; and if that subject should again come under the consideration of the legislature, he trusted the observations he had now made would be borne in the memory of their lordships.

The Bill passed through the committee, with the amendments.

HOUSE OF COMMONS.

Friday, December 10.

Copper Currency.] Mr. *Pascoe Grenfell* rose to move for certain papers respecting the state of the copper currency. He had at the close of the last session offered some observations on this subject to the House. The information he had since received, and the observations he had made in passing through several parts of the country, convinced him that he had not over-rated the inconveniencies and mischiefs arising from the redundancy of the copper coin in circulation. They were not owing, however, to the redundancy of the legal coin, but of the counterfeit halfpence and copper tokens, not authorized by the law of the land. He had made some calculations, to shew the mischief arising from the circulation of the counterfeit halfpence. It appeared, that a pound of real copper was made into 76 of these halfpence, which were in value equal to 3*s.* 2*d.* Now a pound of copper was worth only 19*d.* so that the profit to the manufacturer was cent. per cent; and for every 20*l.* which he disposed of, he put 20*l.* clear gain into his pocket. The copper tokens were not so debased, nor the profit so great; but there was temptation enough left to the maker to force them into circulation in every way he could. Among other means resorted to, he was informed by a letter which he had that morning received from a respectable tradesman in London, that a Mr. Newman, an oilman, had applied to a manufacturer of these tokens to supply him with soap and candles, and that the latter had consented to deal with him on condition that the tradesman would take his copper tokens in payment. Mr. Grenfell thought that these impositions were the more intolerable in this country, where there were copper mines producing four times as much copper as all the rest of Europe, and twice as much as all the rest of the world. The most effectual remedy would be for government to meet the expence of calling in the old Tower halfpence, and at the same time to put down the counterfeit halfpence and copper tokens by act of parliament. He concluded with moving, that there be laid before the House copies of a memorial of the manufacturers and traders, brewers and licensed victuallers, addressed to the committee on the copper currency; and also a letter from James Clarke, esq. to the members of his Majesty's council, on the same subject.

Mr. *Whitbread* seconded the motion.

The *Chancellor of the Exchequer* said, he had been asked last year whether any measures were in the contemplation of government to remedy the abuses arising from the debasement of the copper currency; and he was now happy to confirm the answer which he had then given. The consideration of expence would no longer deter them from calling in the old Tower halfpence, and the issue of a new coinage would soon make the counterfeit halfpence and tokens disappear. He wished the intention of government to be made as public as possible, as it might prevent persons from incurring considerable loss by the manufacture of copper tokens.

Mr. *Whitbread* expressed his high satisfaction in the measure which was thus announced to be in the contemplation of government.

The motion for the papers was then agreed to.

The *Chancellor of the Exchequer* asked for leave to bring in a Bill to repeal the Madder Act, just passed; and to bring in another on the same subject. There was, unfortunately, a material omission in the Act; the word 'Madder,' which was the principal word, having been omitted throughout. [A laugh.]

Leave was given; and the Bill was brought up, and read a first and second time.

HOUSE OF LORDS.

Monday, December 13.

In the case of the King *v.* Hawkins, Mr. Abbot and Mr. Buller were heard for the plaintiff in error (Hawkins); and Mr. Serjeant Pell and Mr. Adam, jun. for the defendant in error. Further hearing on Wednesday.

This was an information against Hawkins, in the nature of a *quo warranto*, to shew cause by what right he claimed to exercise the office of an alderman of the borough of Saltash. Mr. Hawkins and a Mr. Spicer were candidates. When two votes had been given for each, Mr. Hawkins was questioned whether he had qualified, by taking the sacrament according to the rites of the Church of England? and answered that he had not. The election, however, went on; and 16 voted for Mr. Spicer, and about 20 for Mr. Hawkins. The object of the proceedings was, to have the election of Mr. Spicer declared valid; the voters who polled for Mr. Hawkins (except the two as above mentioned) having voted for him after notice of his disqualification. Their votes, therefore, it was to be contended, ought to be considered as a nullity; and so it was decided by the Court of King's Bench, from whose judgment this writ of error was brought.

MISTAKE IN THE MADDER DUTIES ACT.] A Bill to rectify a mistake in the Madder Duties Act, which received the royal assent on Friday (namely, the omission of the word 'Madder' throughout the Act), was brought up from the Commons by Mr. Courtenay, and other members.

Lord *Walsingham* moved the first reading; and then, that the standing orders (which had been ordered to be taken into consideration this day) should be suspended, for the purpose of passing the Bill through its other stages that night. He stated, that in the Madder Duty Act, the words 'on madder' were left out; so that it appeared as if the Act had been a repeal of all duties on importation. The object of the present Bill was to declare, that only the duties on the importation of madder were repealed; and as this was merely a Bill to correct a mistake, he hoped there would be no objection to his motion.

The *Lord Chancellor* said, the mere statement that there had been a mistake, would have been no good reason with him for suspending the standing order; but this was a mistake of vast consequence, and one of which the mischievous consequences would be increasing during every moment of delay in its rectification. It was on that ground that he agreed to the motion; but he hoped care would in future be taken to prevent the occurrence of such mistakes, either in this or the other House.

The Bill was then forwarded through its several stages, and passed.

HOUSE OF COMMONS.

Monday, December 13.

POOR LAWS.] Mr. *Horner* rose to submit a few observations to the House, upon a subject of considerable importance; and his object in rising was, to persuade the House to adopt certain resolutions, which might prevent the introduction of any clause or clauses into local Bills for the relief of the poor, contrary to and inconsistent with the established law of the land. The House was aware, that a committee had been appointed to examine into all the Poor Bills which had been passed, he believed, since 1800, with a view to ascertain what clauses, of the description he had alluded to, had crept into such Bills. A Bill also, brought in by an hon. and learned friend of his, was now before the House, one of the objects of which was to repeal clauses of that nature. With respect to that Bill, he was not prepared to say that he entirely approved of all the provisions contained in it; but when it should come regularly before the House for discussion, he might perhaps hear reasons which would induce him to alter some opinions he now entertained. That Bill, however, was to have a retrospective effect; and, whatever might be thought as to the past, it must be allowed, that, to prevent similar defects in future, was of the utmost importance. The objectionable clauses in question easily found their way into local poor Bills, because they, being of the nature of private Bills, did not receive that attention from the House which would be likely to prevent the introduction of them. It appeared from the report of the committee, that these clauses were of a two-fold description. The one sort went to alter the law of the land in the mode of assessments, rating, &c. which ought never to be permitted, unless a strong exception could be made out in the case of particular districts, where the adoption of the ordinary methods would be inadequate. The other sort of clauses altered the law of settlement in certain parishes, and (to the shame of the legislature be it spoken) gave the power of inflicting corporal punishment on the poor to persons quite unfit for such an authority. It was his decided opinion, that upon no pretence whatever ought such clauses as these last to receive the sanction of that House; and it was to those in particular that he now meant his intended remedy to apply. Some regulation, indeed, ought to be adopted with respect to the others, relating to the mode of assessment, rating, &c.; but a remedy for that would, perhaps, grow more naturally out of the discussion on the Bill of his learned friend. He should, therefore, move, that it be a Standing Order of the House, for the present session, that no Bill should be introduced, containing any clause or clauses relating to the settlement of the poor, or the corporal punishment of them, contrary to the law of the land. In order to enforce that order, he should also move, in the same way, that no such clause, or clauses, be proposed in any select committee; and, to give efficacy to the whole, a third standing order, that the chairman of every select committee on such Bills do report to the House whether those orders have or have not been strictly complied with.

The *Speaker* suggested to the hon. mover, that a standing order was a perpetual order; and that, as he meant these to be only experimental, it would be better to move them in the way of resolutions; it being competent to him or any other hon. member, at the end of the session, to move, without amendment, if thought proper, that they be considered as standing orders of the House.

The *Chancellor of the Exchequer* rose to express his entire concurrence in the sentiments of the hon. and learned gentleman, and his satisfaction at the manner in which he had introduced his resolutions. Whatever might be his opinion of the Bill that was to act retrospectively, it was undoubtedly proper to prevent the introduction of clauses which would cause so great a disparity in the condition of the poor in different parts of the kingdom, and place them under such very different treatment.

Mr. Serjeant *Onslow* also concurred in the sentiments of his honourable and learned friend (Mr. Horner), and begged leave to offer him his thanks for the care and attention he had bestowed on this subject. None of those clauses would have been passed, if the attention of the House had been properly directed to the subject. When renting a house of 10*l.* yearly value gave a settlement in one district, and was no qualification for a settlement in another, the magistrates were placed under circumstances of great difficulty in the execution of the Poor Laws. As to the clauses which subjected the poor to corporal punishment, they were alien to the feelings of Englishmen, and to the general law of the land.

Mr. *Kenrick* concurred in the resolutions which were proposed; and postponed the introduction of his Bill till the 3rd March.

Mr. *Harvey* approved of the proposed regulations; but trusted, that they would not exclude such clauses from being moved in a committee of the whole House, in cases where it might be necessary and beneficial to alter the common law of the land, as applicable to particular districts. With regard to the power vested in the governors of poor-houses to inflict corporal punishment, he apprehended there could be but one opinion upon the subject.

Sir *Samuel Romilly* concurred in these resolutions; but suggested that they ought to be carried still further. There was another description of clauses, as exceptionable as those which had been stated by his hon. and learned friend, and to which he had himself called the attention of the House. He meant those clauses which empowered the trustees to employ the poor in a manner not authorised by law; such as farming them out at their pleasure, or disposing of them to those who wished to hire them by the day, or such other term as was agreed on.

Mr. *Horner* expressed his willingness to adopt the suggestion of his hon. and learned friend, and proposed to alter the first resolution by inserting the words, " or employment," after the word " settlement."

The *Chancellor of the Exchequer* wished the hon. gentleman to take a little time for consideration before he incorporated the proposed amendment; as there were many cases in which it was proper to allow of the employment of the poor under the discretion of the trustees.

Sir *S. Romilly* said he did not wish to press the alteration at present; after which it was withdrawn, and the several Resolutions then passed unanimously.

HOUSE OF LORDS.

Tuesday, December 14.

The royal assent was notified by commission to the Brandy Bill, the Madder Amendment Bill, the Royal Marine Mutiny Bill, the Temporary Insolvent Debtors' Bill, the Felons' Transportation Bill, and a Road Bill.

The commissioners were the Lord Chancellor, the earl of Liverpool and lord Walsingham.

EAST INDIA CIRCUITOUS TRADE.] On moving the second reading of the East India Circuitous Trade Bill,

The Earl of *Buckinghamshire* observed, that this measure was a consequence of the Act of last session, opening the direct trade to India to the merchants of this country; it being distinctly understood at the time of passing that Act, that the circuitous trade to India would also be opened to the British merchants, and a clause referring to this object having also been introduced into that Act. This measure, therefore, was the result of a distinct understanding to that effect with the merchants on the one hand, and the East India Company on the other; and under these circumstances, he presumed, there could be no objection to it.

The Bill was read a second time, and committed for to-morrow.

HOUSE OF COMMONS.

Tuesday, December 14.

THE PRINCE OF ORANGE; AND THE ADJOURNMENT OF PARLIAMENT.] Sir *James Mackintosh* rose and observed, that, in consequence of having observed in the London Gazette of last Saturday, a new designation given to his Majesty's ambassador at the Hague, and a new sovereignty announced as subsisting in the territory which, in the ancient order of Europe, had been subject to the Republic of the United Provinces (a government which after two centuries, generally of the closest amity with England, had at length been destroyed upon the sole and avowed ground of alliance with his Majesty), he had deemed it his duty to come to the House yesterday, as soon as he had seen official and authentic evidence of so great a revolution, to put a question respecting it to the noble Secretary for Foreign Affairs. Circumstances known to that noble lord had induced him to postpone the question till to-day. He was aware that he was precluded by the usage of parliament from introducing it by any preliminary observations; and if he had not been so, he should have imposed the same restraint voluntarily upon himself; for he could assure the noble lord, that, though he trusted he should always boldly perform his public duty whenever he thought that he clearly perceived it, yet he felt, as strongly as the noble lord could, the painful delicacy of the subject; and he should assuredly do nothing, either now or hereafter, to aggravate the difficulty which naturally belonged to it. He then stated his question as follows:

Was it known to his Majesty's government, before the departure of his serene highness the Prince of Orange from England, that his serene highness intended to assume or to accept titles and authorities unknown to the legal constitution of the United Provinces, and manifesting a determination not to re-establish the ancient and lawful government of that republic? Were these measures adopted by his serene highness with the approbation of his Majesty's government, and with the concurrence of his allies?

Lord *Castlereagh* said, that he was not privy, before the Prince of Orange's departure, to any determination on the part of his serene highness with respect to the government that was to be established; nor did he believe that his serene highness had come to any such determination; as what was called the provisional government already exercised the administration from which he had received the invitation. That the form of government which had been adopted was the result of the spontaneous and unanimous wish of the people of Holland of all parties; as much of those who were formerly the enemies of the House of Orange, and who were now among its most zealous partizans, as of those who had always been attached to it. That what appeared in the Gazette was a notice of the appointment of our ambassador to the government of Holland. That in making this appointment the King's government had an anxious desire to abstain from any interference with the domestic concerns of that country. That the credentials to lord Clancarty had been purposely delayed, until his Majesty's government knew what form of government was established in Holland; and it was not until it was communicated to our ambassador, under what title the Prince of Orange was to exercise the government, that the credentials were sent to him in the form it had appeared.

Sir *James Mackintosh* rose to state, that in consequence of what had passed, and upon other grounds of constitutional and parliamentary policy, he should, with his present views of public duty, feel himself bound to resist an adjournment for a much longer period than the usual recess of parliament; unless the mover should lay as strong ground for such a proceeding before the House, as a minister would think necessary, if upon his ministerial responsibility he had brought down a recommendation to the same effect from the crown.

Lord *Castlereagh* said, that it was his intention to move, that the House should, at its rising, adjourn to Friday next. It was probable, that on Monday the ulterior adjournment would take place. The hon. and learned gentleman might, therefore, take that opportunity of expressing his sentiments in opposition to the adjournment.

Here the conversation ended; and upon the motion of lord Castlereagh, the House was ordered to adjourn, at its rising, till Friday.

HOUSE OF LORDS.

Friday, December 17.

The royal assent was notified, by commission, to the East India Duties Bill, the East India Circuitous Trade Bill, the East India Shipping Bill, the Police Bill, the London Militia Enlistment Bill, &c. &c.

The commissioners were the Lord Chancellor, lord viscount Melville, and lord Walsingham.

HOUSE OF COMMONS.

Friday, December 17.

ADJOURNMENT OF PARLIAMENT.] The *Chancellor of the Exchequer* moved, that the House, on its rising, should adjourn to Monday next; on which day, he begged leave to state, it was the intention of his noble friend (lord Castlereagh) to move an adjournment till the 1st of March.

COPPER CURRENCY.] The *Chancellor of the Exchequer* moved the order of the day for the House resolving itself into a Committee of Supply. He hoped that it would not be thought irregular in him, to take this opportunity of endeavouring to remove a misapprehension which had taken place, in consequence of a statement of what had fallen from him in answer to a question which had been put to him by an hon. gentleman (Mr. Grenfell). The misapprehension and alarm which it had caused had already produced very serious inconveniencies, particularly among the lower classes. The question was, with respect to the copper currency; and he was sorry to find, that from some misapprehension of what he had said in reply, there had been a pretty general discredit of the Tower halfpence, which were issued by his Majesty's proclamation, were the legal copper currency of the land, and unquestionably a lawful tender in those payments which could be made in copper currency. He was sure, that no person who had attended to what he said in that House could have so far misapprehended his statement, nor was he aware that any statement of it which had been given to the public justified this misapprehension and alarm. He should, however, now expressly state, that the old Tower halfpence were legally made current by the King's proclamation; that they were legal tenders; and that they would be received by government at their legal current price. As it was the intention of government to receive them at the full value of the currency, although it might take some time to consider the best means of calling them in; yet he trusted that this statement would be sufficient to remove all apprehension or alarm from the minds of those who were now possessed of them.

Mr. *Grenfell* said, that the statement now made was precisely what he understood the right honourable gentleman as having said upon a former occasion. The only object of his question was, to remove from circulation the base and adulterated copper coin, or local tokens, which were before taken in payments; and to have the Tower halfpence called in at their full value; either to be paid in Bank notes, or to be replaced by a new coinage. He could not avoid returning his thanks to the right hon. gentleman, for the very fair and manly way in which he had met the question; and he hoped that he would not allow himself to be diverted from his resolution by any clamour that might be set up by persons interested in continuing the circulation of a base and adulterated coin.

The House then resolved itself into a Committee of Supply; and several small sums were ordered for miscellaneous services.

HOUSE OF LORDS.

Monday, December 20.

Declaration of the Allied Powers.] Lord *Holland* observed, that a paper had appeared in all the public prints, purporting to be a Declaration of the Allied Powers, published at Frankfort; in which it was said, "the first use which their imperial and royal majesties have made of victory, has been, to offer peace to his majesty the emperor of the French." He wished, therefore, to ask of the noble lord opposite, in the first place, of course, whether this paper was an authentic document; if so, whether this government was a party to it; and whether an overture of peace had been made to the emperor of the French and rejected; or whether any overture had been made, that was likely to lead to a negociation?

The Earl of *Liverpool* said, he had no difficulty in stating, that the paper purporting to be a Declaration of the Allied Powers was an authentic document. With respect to the question, whether this government was a party to it, the allies were undoubtedly in full possession of our sentiments; but he had no hesitation in saying, that the Declaration itself was issued at Frankfort without any previous concert with his Majesty's government, as to the publication of such a document. With regard to the questions, as to whether any overture had been made to France? he must, consistently with his public duty, decline giving any answer.

The Earl of *Darnley* observed, that his noble friend's questions appeared to have been in some degree misunderstood by the noble earl. The Declaration of the Allied Powers stated, that an overture had been made to the emperor of the French; and the object was, to ascertain whether such an overture had been made and rejected.

The Earl of *Liverpool* repeated, that the Declaration had been published at Frankfort, without a previous concert with this government as to its publication.

Lord *Holland* observed that it was of considerable importance to know, whether an overture had been made to the emperor of the French, and rejected; and upon this point he thought his questions had been in some degree misunderstood.

The Earl of *Liverpool* said, his answers had referred distinctly to the points, that the Declaration was an authentic document; that the allies were in full possession of the sentiments of his Majesty's government; but that the Declaration, so far as it went, was published at Frankfort, without any previous concert with this government as to such publication.

Adjournment of Parliament.] The Earl of *Liverpool* said, on moving the adjournment of the House till the 1st of March, that, as it was for a longer period than usual, he thought it right to state the grounds on which he brought forward the motion. Parliament, it would be recollected, met as early as the 4th of November; and it had now sat a greater number of days than it would have done between the usual period of its meeting and the 1st of March. A great portion of the important part of the public business had been gone through; and neither in regard to that nor to private or judicial business was he aware that any inconvenience would arise from an adjournment to the 1st of March; whilst, on the other hand, he did not wish to conceal, that with respect to most important business, considerable advantage would be derived from such an adjournment. As to private and judicial business, more days had been devoted to it, than could have been between the customary period of the meeting of parliament and the 1st of March, and no inconvenience could arise from the proposed adjournment. With respect to financial business, the money that had been placed at the disposal of ministers was sufficient for the public purposes during the interval proposed; and, although his Majesty's government had entered into no pledge not to require more during that period, yet at all events it would not be expedient to call for more till the month of May. Under every view of circumstances, therefore, no inconvenience could arise from an adjournment to the period proposed; and he should therefore conclude by moving, "that the House do adjourn till Thursday the 1st of March, 1814."

The Earl of *Darnley* felt it incumbent upon him, in the exercise of his duty as a peer of parliament, to resist the unusually long adjournment now proposed. Under the circumstances of the dazzling successes obtained by our allies, and the hope that they would lead to a safe and honourable peace, the utmost confidence had been reposed in ministers by parliament; no opposition whatever had been given to them; their measures had been carried as it were by acclamation; and, surely, gratitude for this confidence and support ought to have dictated to them not to dismiss parliament in the way they now proposed. They had carried their measures, and obtained the money they wanted, and now they wished to get rid of the parliament, as being for some time of no further use to them; but surely there were other duties required of parliament, than granting money to ministers, and passing turn pike Bills. There were several points to which it was likely the attention of parliament might be called during the interval over which it was now proposed to adjourn. The glories that had beamed upon us in the east seemed to have drawn away our attention from the events in the west, where, unfortunately, an horizon much less brilliant appeared. He had on a former occasion alluded to the state of the war in that quarter; and he lamented, that what he then anticipated had nearly occurred. A large force had been placed under the command of sir John Warren, but yet comparatively nothing had been done; whilst on one of the largest lakes our naval force had been destroyed, and on the other lake sir James Yeo had been unable to obtain any superiority, if he had not already been compelled to retreat. He was afraid also, that the communication between Upper and Lower Canada was interrupted; and he much feared, that in a short period little of his Majesty's dominions in that quarter would be left, except the fortress of Quebec. He did not pledge himself to bring forward any motion upon the subject after the recess; but if parliament were sitting, it was probable that its attention would be called to it during the interval. Another topic also was of some importance; namely, the assumption of a new title of sovereignty by the Prince of Orange, and as to how far it tended to diminish or otherwise the hopes entertained in consequence of the late glorious events upon the continent. Another subject also was of the greatest importance; he alluded to the importation of foreign corn. After the late abundant harvest, and in consequence of the present low price of corn, it was of peculiar importance that the British farmer should have full possession of the market. It might be an unpopular doctrine, but he was satisfied, that it was owing to the high price of grain that this country had been enabled to make the great exertions it had, and that we were indebted to that for the prosperity we had enjoyed. It was the high price of grain in the English markets that had contributed so much to the prosperity of Ireland, by increasing her agricultural produce, and which had caused the investment of so much additional capital in agriculture. He was the last man who would advocate an interference with the markets; but nothing was more injurious to agriculture than a sudden fluctuation in the necessaries of life; and unless means were taken to give the British farmer full possession of the market, the present low price of corn, however paradoxical it might appear, might lead to consequences highly to be deplored. Another circumstance deserving of serious consideration was, the effect which so long an adjournment would have, with reference to the Irish members, to whom it would be most inconvenient to attend parliament after the recess. From all these considerations, he felt himself called upon to oppose so long an adjournment; and he should therefore move as an Amendment, to substitute the 1st of February for the 1st of March.

Lord *Holland* spoke in substance as follows:—

Under every consideration, I am disposed to prefer the amendment proposed by my noble friend, to the motion of the noble earl; because that amendment appears to my judgment much more wise in a general view, while it is obviously more efficient for the objects to which it is the province of parliament to attend. From the document respecting which a question has been put to the noble earl in the course of this evening, and to which the noble earl declined to return any decisive answer, it appears fair to infer, that some overture for negotiation had been made by the allies to the French government. I do not mean to quarrel with the noble earl for declining to state whether any such overture was actually made to the enemy or not, or whether it was likely to lead to negociation. No doubt, he has good reasons for such conduct. But I maintain, that if such an overture has been made, and rejected by the enemy, it is the duty and best policy of the noble earl, previous to any adjournment, to bring down to this House a communication of that fact, with a statement of the grounds upon which the rejection took place; in order to satisfy the mind, and secure the cordial approbation of the country, by shewing that the continuation of the war was rendered necessary through the injustice and exorbitant pretensions of France. If, on the contrary, the overture has been accepted by the enemy, and is likely to lead to a negociation, then I should see many more reasons against the adjournment, and particularly from the manner in which it is brought forward, and the period to which it is proposed to extend it. For, in the event of negociation, the noble lord should wait a little, to see whether it was likely to be brought to a successful termination, or the contrary, in order to ascertain whether it might not be necessary to have recourse to the advice of parliament. But, on the present occasion, the noble lord should at least have introduced his proposition by a message from the crown, which would have thrown the responsibility of the measure upon himself and his colleagues. The course of proceeding taken by ministers in this instance, I really cannot help thinking very ungracious towards parliament; particularly from a consideration of the manner in which parliament has acted towards them. They have experienced from parliament the most unlimited confidence, and have received the utmost support they required—they have had all the money and subsidies they desired; and the principle of our old constitutional force (the militia) has been broken down to supply them with men; the confidence, indeed, reposed in them, has been such, that no examination of any part of their conduct has been even attempted—no proposition whatever, or motion, has been brought forward, that could serve in any degree to embarrass their proceedings, or to divert the attention of the executive government from devising and directing all the means in their power to advance the great cause of the confederacy. Is it then becoming—is it commonly gracious, on the part of ministers, after such proofs of confidence, after such contributions of liberal aid, to propose such an extraordinary adjournment of parliament, without even taking the responsibility of the measure upon themselves? When I speak of the confidence thus granted to ministers, I do not by any means propose to censure that grant; on the contrary, they have had my hearty, although comparatively silent approbation; and that approbation I do not mean to retract. Indeed, if the confidence of an individual be of any value, and, according to the opinion of a noble friend of mine, the aggregate of individual opinions constitutes value, ministers have the full value of my confidence. They have obtained my confidence from the manner in which they have contributed to improve the general state of Europe, and from the language and conduct they have maintained in this country. There are, no doubt, many who can more eloquently describe the important change which has recently taken place in the state of Europe; but I feel confident that no one can derive more cordial satisfaction than I do from that most auspicious event; for I have been bred in a school of politics, that deprecates every encroachment upon national independence and the just liberty of mankind. Therefore, if I rejoiced, and I certainly did rejoice, in the retreat of the duke of Brunswick, and the result of the battle of Jemappe, my joy must be still more pure upon the results of Dennewitz and Leipsic, upon the release of a great part of Europe from oppression, by the assistance of British arms. A noble lord had well observed, that the war was no longer that of courts and governments; but the war of a whole people against oppression, and proportionably energetic. However, although a great part of the happy results of this war may be justly attributed to a powerful popular impulse, and to that infatuation on the part of the enemy, which, thank God, always attends the long abuse of power, yet it must be felt that a great deal of the merit is to be attributed to the conduct of the government of this country. If the sentiments of an individual are of consequence enough to arrest your attention, it must be in your lordships' recollection, that I always approved of the interposition and perseverance of ministers in the cause of Spain. Whether that policy be attributable to a noble marquis, whom I do not now see in his place (Wellesley, as we understood), or to others, I cannot pretend to determine; but the merit of such policy appears, and ever has appeared, to my judgment, quite indisputable. The merit of it must now, indeed, be universally admitted; for, aided by the uncommon genius of lord Wellington, that policy has produced the most important results. It has driven the enemy from that country which he had so long and so unremittingly oppressed. But this was not the only advantage which the pursuit of this policy has produced. It presented a most encouraging and impressive example to Europe, of what a people excited by oppression were capable of achieving. It served, indeed, to change the whole character of the war, by rendering it that which the noble lord to whom I have before referred so fairly described it; namely, a war of the people. But a still farther advantage has arisen out of this policy. Through some extraordinary circumstances, a most atrocious calumny had become current in Europe, that the government of this country was always ready to distribute its subsidies with a view to embroil the nations of the continent, while it kept its own people aloof from the contest. I do not myself believe, that any British government would employ money to induce the people of other nations to squander their blood merely to spare its own subjects; but still, from the lavish, improvident, senseless manner in which subsidies have been occasionally sent from this country, one cannot much wonder at the existence of such a calumny as that which I have stated. No such impression can ever again prevail in Europe. The calumny has been effectually refuted by the policy we have pursued with respect to Spain; for there we have not only given our money but our men—there we have given our money, not to excite the people, but to enable them to act; and we have seconded their exertion by a powerful army.—From old habits, I am, I confess, inclined to view any extension of the principle of subsidies with distrust and doubt; and that distrust has been too much justified by my observation. It has not been in general duly considered, how foreign cabinets or nations might distinguish between a boon and a bribe. If a subsidy should be regarded as the latter, it must, I think, fail in its effect; and, instead of concurrence or co-operation, must produce jealousy and distrust; while if received as a boon, it could not fail to give rise to that cordial understanding, and to support that vigorous exertion, which distinguishes the present confederacy. The language of ministers, in repudiating that policy which went about knocking at every door in Europe, to ask who would accept money to fight against France, and which policy led to the formation of such a confederacy as that overthrown at Austerlitz, is peculiarly wise and praise-worthy. Ministers, in thus declining prematurely to excite any nation to act, have adopted the policy of the administration of 1806, which was so often reprobated; namely, by husbanding the resources of the country, and waiting until a nation was disposed and ready for action, and when any pecuniary assistance that it received must be regarded as a boon. Hence the subsidies distributed by ministers have been judiciously applied, and eminently contributive to the great end in view. Ministers have, indeed, adopted the policy which is best calculated for the attainment of that end. Their language has been moderate, and their conduct has corresponded with that language. But this is the language and conduct which they will feel it most for their advantage to pursue. They have indeed felt the advantage of such policy already; for it is to the moderation of their language that the confederates are indebted for the accession of Austria. But the advantage of using such language as was addressed to this House by the Regent on the first day of the session, is incalculable. It is to the policy which that language expresses that we must attribute the dazzling view, which, as my noble friend observed, the continent of Europe now exhibits; and what an extraordinary change!—the emperor who little more than twelve months ago had triumphant possession of Moscow, while one of his lieutenants was blockading Cadiz, is now driven from all the scenes of his triumph, is now expelled from Spain and Holland. Such is the effect, not so much, it must be admitted, of the power with which he had to contend, as of the ambition and extravagance of the French Ruler himself. What an impressive lesson, then, does his fate offer as to the consequence of indulging the intoxication which victory too often serves to excite. But the conduct of ministers furnishes a striking contrast to that of the enemy; and let us hope they will follow up their system of making a moderate and proper use of victory.

When I approve of any general system of measures, I do not like to dwell upon any exceptionable points of minor importance. It is known, that I have always felt a great partiality and predilection for Spain; and that partiality and predilection have been considerably heightened, by observing of late the anxious desire of the Spanish people to widen rather than to narrow the basis upon which their government stands. Such is the true policy of every country; and I am therefore sincerely sorry to witness a different disposition in Holland. In alluding to this point, I am aware of the assertion, that ministers had nothing to do with the conduct of the Dutch respecting their government. The Dutch, upon the old maxim of "the sovereignty of the people," so much talked of, had, no doubt, a right to arrange their own government; and ministers, no doubt from a consideration of that right, left a blank in the credentials of lord Clancarty, until it was ascertained what sort of government the Dutch might create. Ministers might say, "It was no business of ours to interfere with the Dutch in the establishment of their own government; for the right of settling that establishment rests with them alone." I do not dispute the principle; but I hope that the principle upon which ministers thus act towards their friends, will be extended to their enemies; and that they will acknowledge the just right of any people to frame a government for themselves. But who can rationally dispute the sacred truth, that a government is not made for its own interest, but for that of the governed; and that it is contrary to the laws of God and nature for any power to interfere with the arrangements which a people may think proper to make for their own government. The utmost, therefore, which any foreigner can legitimately do as to such arrangements, is to offer advice or to express regret; and I cannot help repeating my regret, that the Dutch, in the late change, have manifested a disposition rather to narrow, than to widen the basis of their government. In adverting to this change, I would not be understood to cast the slightest imputation upon the character of the prince whose rank has been advanced by it; for I fully believe that he feels the most lively solicitude for the interest and happiness of the people of Holland. Therefore, in alluding to this extraordinary alteration, God forbid that I should be supposed (although his conduct differs from that of his predecessor, William the 3rd) to intend any thing disrespectful to the patriotic and accomplished prince, upon whose qualities so much panegyric has been heard, and which panegyric I have found fully justified on those occasions in which I have had the honour to approach his person. The change may have been altogether the voluntary movement of the persons at Amsterdam, by whom it was originally announced: but from whatever quarter it may have proceeded, I cannot forbear from expressing my disapprobation of it, and my apprehension also that it may lead to considerable mischief. Such a step forms indeed a striking contrast to the conduct of Spain, which has followed the policy that should direct every people; namely, that it is wiser to enlarge than to contract the basis of their government.

In declaring my approbation of ministers in consequence of their moderate language and conduct, that approbation is, of course, founded upon a hope and confidence, that the very different language which appears in certain publications has in no degree their sanction or countenance; for these publications are such as I think it impossible for any man of proper feeling to read without disgust. Sounding a violent and barbarous warwhoop through the country, abounding in coarse, vulgar, virulent epithets—in such language, indeed, as would have been degrading to the worst parts of the Jacobin clubs, these publications completed their abominable character by excitements to assassination. Although the French ruler has rendered himself so odious by his conduct, yet it must be admitted that he is a great military commander, still at the head of a great nation; and is it fitting that the press of this country should become the means of advising the assassination of such a man? nay, of exhorting to the deed; and what else can be meant by the repeated declaration, that no peace can be concluded while this individual lives? The French ruler is, no doubt, ambitious, inordinately ambitious; but if it were resolved, that no peace should be made with France while it was under the government of an ambitious man, when, I would ask, could peace be expected? The meaning, however, of all the publications I have referred to may be, to recommend the restoration of the ancient Bourbon family; but the attempt at such a measure would be totally inconsistent with the professed moderation and policy of ministers. That restoration might be good; but it would be preposterous to look for the success of such an object through the intervention of foreign arms; and it would, I repeat, be opposite to the policy and principle of ministers to engage in any such undertaking.

A noble friend of mine, who is not now present (lord Grenville, as we understood), and who is always eloquent upon any subject he discusses, very justly observed, that one of the great advantages resulting from the recent changes on the continent is, the opportunity it affords for the restoration of the balance of power in Europe. But I must be allowed to say, that the re-establishment and maintenance of that balance can never consist in, or depend upon, particular divisions of territory, so much as upon the existence of a general feeling among the European states, that it is the interest of each to preserve the independence of each and all. Such is the feeling which gave birth and cement to the present confederacy; and therefore I wish that such a confederacy may continue to exist, in peace as well as in war. I esteem the principle of this confederacy, because it appears solicitous to preserve the interest of all without gratifying the peculiar interest of any one; and upon that principle I would rather leave France with such possessions as should make her feel an interest in the common object of the confederacy, than transfer from her to any other state, any possession which might be likely to withdraw that state from the general feeling which it is the interest of peace and Europe to improve and strengthen.

The noble earl's proposition of adjournment is, I repeat, open to many serious objections; and it is the more objectionable, as it has not been introduced by a message from the throne, which would have rendered the noble earl and his colleagues responsible for the measure. The convenience of the members of either House of Parliament, as to the time of attendance on parliamentary duty, seems of no material account in the mind of the noble earl; for the noble earl declared, that he would never admit the principle, that members were not bound to attend whenever the King issues his writs. This, no doubt, was a grand and pompous declaration of right; but it is equally clear, that we should be bound to attend the King's writs, if summoned to meet in Scotland, at Johnny Groat's house. If, however, parliament were summoned to meet at Belfast, or at any extremity of the empire, would not some complaints be heard on the ground of inconvenience, especially from English members? No doubt there would; and ministers would feel it expedient to attend to such complaint. So that, although the right of summons was indisputable, there must be some discretion to regulate its exercise; and why should not that discretion take into account the circumstances of the Irish members, who really would be so situated, in consequence of an adjournment of this nature, as to be reduced to the alternative, either of sacrificing their own private business, or deserting their parliamentary duty; and the effect might be actually to deprive Ireland of her share in the representation. The nature of the business which is likely to detain the Irish members in Ireland at a particular part of the year has been already stated by my noble friend, and this statement strengthens my objection to the noble earl's motion. But there are other important considerations which render this motion objectionable. From the noble earl's statement as to the grounds of his motion, it would really seem as if the whole province and occupation of parliament consisted in the grant of men and money, in the raising of armies and the imposition of taxes. But it should be recollected, that the first duty of parliament is, to enquire into and to redress grievances; and will it be pretended, that no case does exist, in Ireland or elsewhere, or that no case may arise before the expiration of such a prolonged recess, that is likely to call for the exercise of that sacred duty? If not, then why should parliament be thus adjourned? Is it not, I ask again, a very ungracious return for the conduct of parliament towards ministers? Is it not tantamount to saying, "You (the parliament) have granted us (the ministers) every thing we required from you. You have reposed in us unlimited confidence, and you have never embarrassed us with any motion or any debate. You have voted us abundance of men and money—you have violated the old militia establishment to supply us with the one, and you have augmented the public burthens to furnish us with the other—you have, in fact, done every thing we wished, but *tempus abire tibi est*—you have done your job, and may go about your business?" This, which I conceive to be the meaning of ministers, involves something rather ungrateful and even disrespectful to the parliament by which they have been so served. But what is likely to be the conclusion of foreign powers as to this extraordinary adjournment? May they not conclude, either that parliament, which has heretofore sanctioned all the minister's policy, is changing, or likely to change its opinion; or that the minister is about to change his policy, and apprehensive of meeting the disapprobation of parliament? Certainly, such a measure, which cannot escape observation, is too likely to lead to disadvantageous inferences on the continent. Your lordships must recollect the various observations which were made in our own and the foreign journals, upon the order for postponing the assemblage of the legislative body of France, which I shall not of course compare with this assembly. But, from those observations, your lordships may conclude as to the probability of considerable animadversion upon the measure proposed by the noble earl.

Another reason against the noble earl's proposition is suggested by the state of the Act with regard to the volunteering of the militia; for I understand, that if the number of men originally required by ministers from the militia be actually necessary, the Act to which I allude must be altered. Why then adjourn? Are ministers afraid of being harassed by any motions? I hope and trust that they will not provoke any motions by forfeiting the confidence they have obtained. If they mean to be consistent in their policy, and rely upon the consistency of parliament, why, I repeat, should they propose this extraordinary adjournment?

The inconveniencies likely to result from the noble earl's proposed adjournment are so multifarious with respect to private Bills, that they can hardly be detailed. The noble earl, although he seldom argues to convince me, does, I confess, generally endeavour to argue fairly; but really what he has stated upon this subject has very much the complexion of special pleading; for, although the noble earl has dwelt upon the number of days which parliament will have sat notwithstanding the adoption of his motion, he must know, that, practically, private business is for the most part done in February, and that month is wholly excluded by his motion. Another evil to be calculated upon from acquiescing in the noble earl's motion, is, that parliament must either continue sitting to a more advanced period of the year, when the attendance is usually very thin; or prorogue, leaving a deal of business undone. Thus an evil already much complained of will be aggravated. Indeed, since I have been in parliament, I remember only two sessions in which the sitting to a late period in the summer was not a pretty general complaint. Why then should a long recess be unnecessarily created at the usual period of sitting, which recess must expose parliament to the inconvenience of sitting at an advanced period of the summer? But the noble earl himself has offered the strongest argument against his motion, by shewing that it was unnecessary; and why go beyond the necessity? For the noble earl has asked, could not parliament adjourn from time to time, if it thought proper?—Thus the noble earl put the question, but he made no answer, leaving that, perhaps from liberality, to be stated by his opponents. But I would ask the noble earl and your lordships, as parliament may adjourn for a fortnight or a month, and repeat the adjournment if it thought proper, without any obstacle; why not then adjourn rather for a short period, in order that, should any important circumstances occur to require parliamentary consideration, parliament should be in a situation more promptly to discuss them? I am aware, that I may be told of the existence of an Act which enables the throne to provide against the inconvenience of a long adjournment. But this statute was enacted in extraordinary times, and has never yet been acted upon. Besides, I do not see why, without any necessity whatever, we should put ourselves in such a situation as to be unprepared to meet any extraordinary emergency. Such a long adjournment as that proposed by the noble earl is calculated to put us in that situation, and therefore I oppose it.

Now, with respect to peace, although the mention of that word has been at times deemed as great a profanation in this country, as in other countries of Europe it has been considered indecent to mention the word republic; yet I am, and have always been, a decided advocate for that great blessing. But in my anxiety for peace, God forbid that I should wish for any that was not completely honourable; and any peace which did not embrace the interests of all the powers in alliance with us I should deem dishonourable. Yes! so dishonourable, that rather than assent to the conclusion of such a peace, I would even look in the face of national bankruptcy. But while I am desirous to have the interests of all the states at present in confederacy with us carefully consulted and fully secured, in any peace that may be concluded, I would by no means consent to the prolongation of the war, with any view to bring other states into the circle of that confederacy.

One word more, and I have done. I hope and trust, that should your lordships agree to the proposition of the minister, he will, upon our re-assemblage, either have to call for our congratulations to the Prince Regent, upon the conclusion of a solid peace; or, if his efforts to attain it fail, that he will be prepared to lay before this House some satisfactory documents to shew that the failure was attributable to the exorbitant pretensions of France.

After a few words from the duke of Norfolk and lord Liverpool, the noble earl's motion was agreed to, and the House stood adjourned to the 1st of March.

HOUSE OF COMMONS.

Monday, December 20.

Declaration of the Allied Powers.] Mr. *Horner* begged leave to ask a question or two of the noble lord, his Majesty's Secretary of State for Foreign Affairs. A document had been received in this country, of the authenticity of which no doubt seemed to be entertained by the public, purporting to be a Declaration on the part of the sovereigns of the allied powers. The information which he wished to obtain, with respect to this document, was such as, in his opinion, it could not be inconsistent with the noble lord's sense of what was due to the public service to give. He was the rather disposed to put to the noble lord the questions which he was about to state, because the information which they were calculated to elicit appeared to him to be very material, with reference to the expected discussion of that evening. The document to which he had alluded expressly stated, that offers of peace had been made to the enemy by the sovereigns at the head of the allied army on the banks of the Rhine; and the tenour of it seemed to imply that those offers had been rejected, although that was not expressly asserted, and although the passage from which it was to be inferred was certainly susceptible of an opposite interpretation. The questions, therefore, that he begged to ask the noble lord were these, viz.—Was the document authentic? If so, had his Majesty, as one of the confederated powers, concurred in the offer that had been made to France? Had the offer, which the Declaration stated to have been made to France, been rejected?

Lord *Castlereagh* said, that he felt no difficulty in replying to two of the questions put to him by the hon. and learned gentleman. The document which he had mentioned was authentic. He had also the satisfaction to state, that a perfect concert existed among all the allies with respect to the measures that had been adopted; every proceeding having been marked by the utmost spirit of cordiality. What those measures were, however, or what had been the result of them, he trusted the hon. and learned gentleman would not press him to declare.

Mr. *Horner* observed, that the first part of the noble lord's reply afforded sufficient proof of the propriety of his (Mr. H.'s) enquiry.

Adjournment of Parliament.] Lord *Castlereagh* then proceeded to move, that, at its rising, the House should adjourn to Tuesday the 1st of March. It was the state of parliamentary business that induced him to propose this long adjournment. The House had sat uninterruptedly from its meeting; and in the course of that time had gone through public business to an extent, and in a manner, unprecedented in any former session. He was not aware that the jealousy of parliament had been during that period, or was at this time, excited towards the conduct of government; or that the House felt that any peculiar necessity existed at the present moment for continuing, without intermission, the exercise of their vigilance and authority. On the contrary, with a view to the convenience of government at this important crisis, many questions had been conceded without discussion, which at other times would probably have called forth the expression of great differences of opinion. In looking, therefore, at the state of public and at the state of private business, he did not see any thing which could make it be considered an act of indiscretion on the part of parliament to adjourn to the period which he proposed. He was certainly prepared to admit, that if by this long adjournment the executive government might be placed in any situation of embarrassment or difficulty—if it would be prevented from availing itself of the deliberative wisdom of parliament in any great and important events which might require the aid of such wisdom, and which might take place before the expiration of the term of adjournment, a fair ground of objection would be established to such a proposal. But the hon. gentlemen opposite were aware that an Act had been passed to obviate the occurrence of any such inconveniencies. If by either prorogation or adjournment the sittings of parliament were suspended, the Act gave the crown power to re-assemble parliament in 14 days. He was not aware that any practical inconvenience could be sustained by the adjournment until the 1st of March; and therefore, reserving to himself the right of replying to any objections which might be urged against the proposition (although he acknowledged that he could not anticipate the nature of them), he would move, "That at its rising the House should adjourn to Tuesday the 1st of March 1814."

Sir *James Mackintosh* then rose and spoke to the following effect:—

Sir;—I confess that when I came down to the House I was so far from expecting that the noble lord would take the course which he has adopted, that I entertained great hopes he would open the grounds on which he intended to move the long adjournment which he has proposed, so fully, as to remove some of the difficulties under which I labour; and to relieve me from the necessity of defending myself from the appearance of wishing for a moment to disturb the unanimity which has so happily prevailed during the session, and which has had my most hearty, though silent support. It cannot, Sir, be very agreeable to me thus to address this House for the first time, under the pressure of severe indisposition, and exposed to the impression which the noble lord has made by his declaration, that he did not believe any good grounds could exist for an opposition to his motion. Greatly, therefore, as at all times I should require the indulgence of the House, there can never be a period at which I shall stand in greater need of that indulgence than on the present occasion. I wish, however, in the first instance, shortly to set myself right with the House as to the scope and extent of my object. The only point of contest between the noble lord and myself is one of mere parliamentary proceeding. On all those great questions, so interesting to the House, to the country, and to Europe, and on which a feeling so unanimous has existed among us, it is far from my wish to dwell. A few incidental remarks may escape me with respect to them; but they are not the topics to which, in the present instance, I wish particularly to call the attention of the House; and I shall merely advert to them as they bear upon that which is the immediate question before us. That question, Sir, is the duration of our intended adjournment. The noble lord has proposed an adjournment longer than that which it is the practice of parliament to adopt at this period of the session. Having thus recommended a deviation from the ancient usages of the House, I certainly did conceive that it was incumbent on the noble lord to prove to us the propriety of that deviation. I did expect that the noble lord would state explicitly the reasons which induced him to propose a departure from the practice to which parliament has hitherto conformed in this respect. The noble lord has, however, contented himself with a general declaration, that the course of the public business had been such as to justify the proceeding. Now, Sir, admitting that the present favourable aspect of public business is a good reason for adjourning, I deny that it has any influence on the question of the duration of our adjournment. For can the noble lord, or can any other man foresee that ere the period arrive to which the noble lord proposes we should adjourn, some occurrence of high public moment may not take place—such as may demand the exercise of the deliberative wisdom of parliament? The noble lord has therefore mis stated the tendency of his own arguments. They are very good as they go to recommend an adjournment—they are fallacious as they relate to an adjournment of a prolonged nature. As the noble lord, therefore, has not chosen to give me the benefit of stating distinctly the grounds on which he proposes the unusual prolongation of our adjournment, I must endeavour, in the best way I am able, to discuss the subject without that benefit. The noble lord states, indeed, that it is in the power of the crown to re-assemble parliament in 14 days; and, consequently, that by no adjournment of parliament could the executive government be inconvenienced or embarrassed. But, Sir, I have studied the British constitution to little purpose,—I very incorrectly understand the character of the two Houses of Parliament of this country, if they are merely to be considered as a board of legislation, assembled for the purpose of enacting laws and imposing taxes; and not as the constitutional counsellors of the crown, invested with the right of examining into the exercise of all the privileges and prerogatives which the constitution places in the hands of majesty, and of interposing their advice to the crown in all cases in which such interposition may seem wise and necessary. The argument of the noble lord is, simply, that because there is no public business before us, and because the crown may re-assemble us at a short notice, no reasonable objection can be urged against the adjournment which he proposes. I contend, however, that as the constitutional counsellors of the crown—not as incumbrances, but as aids to the exercise of the royal powers (and at the present eventful moment aids of more than ordinary value), we are called upon not to place ourselves in a situation which will prevent us from offering our advice and assistance to the crown, in the prosecution of the arduous affairs of the state. But, according to the noble lord, we ought to abandon our functions—we ought to relinquish our influence on the affairs of the state at the moment when the affairs of the state become of the most mighty importance. Sir, it is impossible for me to attempt to anticipate the circumstances which may call for the interposition of the advice of parliament to the crown at a period earlier than that to which the noble lord would have us adjourn. We are now in a great and awful crisis of the affairs of Europe. The most extraordinary, the most stupendous events may be every day expected. Sir, before the 1st of March Europe may be re-constituted—new principles may prevail—a new system may be established. During the whole course of the events which may occur in this interval—events so much under the direction of a confederacy of which England is a leading member—are we to deprive the crown of the counsel, and (if I may use the expression) relieve it from the controul, of the two Houses of Parliament? The noble lord cannot presume to say that the interference of parliament, in the way which I have described—that its interference in the conduct of any negociations in which the country may be engaged, would be improper or inexpedient—he cannot presume to say this without arraigning the constitution itself; and yet the noble lord's proposition amounts to a declaration, that parliament is useful for the purposes of enacting laws and imposing taxes, but that for the much higher office of observing the progress of a confederacy, of which this country forms so important a part, and of advising the crown on the great questions of peace and war, its existence is inconvenient and embarrassing. The noble lord did not even state that we were engaged in negociations. In a very proper manner he declined touching on that point in the answers which he this evening gave to the questions put to him by my hon. and learned friend. We are, therefore, called upon to abandon our functions, because there may be some danger of our embarrassing the executive government; although nothing is explicitly stated on the subject.—So far, however, as I am able, Sir, to ascertain the general complexion of affairs in Europe, it seems to me that the state of those affairs is precisely the reason why our adjournment should be short;—not that we may have it in our power to continue jealously to watch the crown; but that we may retain the opportunity of exercising our vigilance with respect to those important events with which every moment is pregnant, and of offering our advice to the executive power in cases in which we may deem such a step necessary. We are not at liberty, consistently with our duty, to abandon the crown or its ministers at such a moment. But the noble lord seems to think this difficulty removed, because it is in the power of the crown to re-assemble us in a short period; as if it were not our duty to offer to the crown such advice as we may think beneficial to the country, instead of leaving it to the crown to call upon us for our advice at its own discretion! The proposition would have been more plausible, had the noble lord been able to shew that the slightest disposition had been manifested throughout the session, on the part of the House, or of any member of it, to impede the operations of government. But what are the facts? Never has there been a session since the existence of parliament, in which the government have received a more unanimous and a more zealous support than during the present session. Never has there been a session, during the last half century, in which such complete confidence has been placed in government by both Houses of Parliament; speaking, as I admit, nay, as I contend, they did, the sense of every man in the country. After this unlimited confidence—after the votes of subsidies—after the increase of our force by the interference with the militia system (and I would have voted for that increase had it been much greater)—after these and other unequivocal marks of confidence and support by the House at large, and on the part of those who in ordinary times are in the habit of differing from the individuals who are now in his Majesty's councils, I do think that the noble lord's proposition comes with a peculiarly bad grace, though I should nevertheless have objected to it on general grounds alone. For my own part, Sir, I take as warm an interest in the support of government on this occasion as any man. I repose with as much confidence in the zeal of those powers who are in alliance with Great Britain. I never doubted but that as soon as a legitimate struggle should be made by the continental states to regain their independence, the cause would be the cause of England, and that it would be the duty of England to assist them to the extent of her means. I always thought that the assertion of these principles was the peculiar duty of that description of men, who had ever defended the cause of national independence and public liberty; of those who first introduced the wise principle of a balance of power in Europe, and who for fifty years maintained it against all the arguments derived from our insular situation, and from the consequently maritime character of our power. More particularly was I impressed with this sentiment, when I saw the cause of national independence, and the equilibrium of power, espoused throughout Europe, with a truly popular and national spirit. Under such circumstances, I felt peculiarly disposed, in common with many others, not only to support his Majesty's government in the adoption of any measures which they might think the situation of affairs required, but scrupulously to abstain from all discussion and enquiry that might embarrass them, at a moment when freedom of action appeared so desirable to the public cause. [Sir James seemed here to be much affected by indisposition. After a short pause, he resumed.] Sir, I feel that I am very unfit at present to do justice to the ideas which I came prepared to offer to the consideration of the House. I appeal, as an additional instance of the utility of keeping parliament assembled at such a moment as the present, to the very circumstance of the questions that I put to the noble lord the other day, and the answers that I received. I am not disposed to deny that the answers with which the noble lord favoured me on that occasion, have relieved me from some of the most difficult and invidious parts of my present task. The facility of thus giving an explanation of the course of public affairs, is an advantage also to government, which the noble lord on that occasion owed to the circumstance of our being yet assembled. If the suspicions and apprehensions which induced me to put to the noble lord the questions to which I allude had been confined to my own breast, it would have been presumptuous in me to have obtruded myself on the attention of the House; but they were not my feelings alone—they were the feelings of many persons of great consideration—they were the feelings of persons who are animated with a true zeal for the interests and for the honour of the House of Orange. For what was the first appearance of the transactions to which those questions referred?—We had read an account of an insurrection having taken place at Amsterdam on the 15th of November. On the 16th, a body of respectable individuals, terming themselves the Provisional Government, declared their resolution to invite his royal highness the Prince of Orange over to Holland. In consequence of this invitation, the Prince of Orange left this country; and it was natural to suppose, that before his departure he would have concerted with his Majesty's ministers the measures which it might be expedient to adopt on his arrival. In Holland he, however, arrived; and on the very next day he issued a proclamation, announcing, that, against his better judgment, he was induced by the wishes of the people to assume the higher title of "Sovereign Prince of the Netherlands." Sir, it is very natural that Englishmen should contemplate these occurrences with no small degree of interest. It is very natural that Englishmen should regret that the independence of an old and faithful ally—an independence guaranteed by this country by treaty in 1788—should be regarded with so much levity; and that the ancient Dutch Republic should be subverted in a tumultuary manner by a few gentlemen (the inhabitants of two towns only) and in the presence of a foreign force. Had not the Dutch a right to expect that we should be alarmed by these events? What should we think of our friends in other countries who should hear of similar occurrences in this island with indifference? More especially were they calculated to inspire us with regret and suspicion, when it was so natural to believe that the projected changes must have been known to the British government, even if they had not been concerted with them. From this apprehension the noble lord completely relieved those by whom it was entertained. The noble lord declared in the face of the House and of Europe (and it is a declaration to which I am bound to yield implicit credit), that his Majesty's government knew nothing of the Prince of Orange's plans, nor of the intention to subvert the old republican form of government in Holland. After this declaration on the part of the noble lord, the case is undoubtedly relieved from one of its greatest difficulties. We are no longer alarmed with the supposition that the revolution in Holland was the suggestion of the government of this country. Whatever, therefore, may be my sentiments with respect to the changes which have taken place, I am absolutely precluded from calling for an opinion from parliament on the subject. The declaration of the noble lord was, that they were effected by a spontaneous movement on the part of the people. The case is certainly new; it is complex in its nature; and merely as a matter passing in a neighbouring state, one may exercise one's individual judgment, and pass one's individual opinion upon it, but no further. I will not, therefore, press the consideration of this subject.—I will not say any thing of what may, perhaps, be justly considered the obligation of the treaty by which we formerly guaranteed to the Dutch the possession of their liberties. As a question of public law, it might be discussed, whether, when a country is relieved from the yoke of a conqueror, treaties made with that country prior to its subjugation do not revive. I think they do. But I do not hold that they are binding against the community. Against a seditious party—against a foreign party—our treaty, guaranteeing to the Dutch their republican form of government, would, in my opinion, undoubtedly resume its operation; but not against that body which is fairly entitled to be called the community. Sir, I give his Majesty's ministers full credit for having scrupulously abstained from any interference with the internal affairs of Holland. I give them full credit for the delicacy which they have exhibited towards the national independence of that country. The principle on which they have acted has been plainly this—that they did not think themselves at liberty to express any opinion on the measures, or to take any part in the proceedings of the people of Holland, on Dutch territory, and affecting only Holland itself. Sir, I respect this principle. I hail its acknowledgment by the British government. Recollecting, as I do, the evils which followed its rejection 20 years ago, I am overjoyed to see it now adopted and asserted. It is impossible for me to question the soundness—the sacredness of the principle on which the British government has declared that it will not interfere with the internal affairs of Holland. It may, nevertheless, be permitted me to express my extreme regret at the course which has been pursued in that country. I do lament that a constitution, under which Holland was once so free and so flourishing, has been rejected amidst the acclamations of the people, and in the presence of a foreign force. Sir, I hope I shall not be called a republican, because I feel concern at these events. I hope I shall not be considered less attached to the ancient and venerable constitution of England, because I lament that the ancient and venerable constitution of Holland has been overthrown. I cannot conceive that that form of government which had shewn itself capable of resisting Philip the 2d—of repelling Louis the 14th—of driving Louis the 15th from the gates of Amsterdam, can be so radically bad, as to be insusceptible of correction. I am not for subverting any government. I wish every government to be amended, and consequently none to be destroyed. Sir, I have high authority for my opinion, that the new authority and titles of the Prince of Orange will not be permanently beneficial to his Royal Highness's House.—We are told by sir William Temple, that in the year 1675, soon after the invasion of Holland by Louis the 14th, it was proposed to the Great William by the people of Guelderland, that he should assume the title of sovereign duke of Guelderland. William was strongly advised to acquiesce in this proposition by all the young and the giddy of his court, and by one individual who was neither young nor giddy—one of the greatest statesmen that ever lived—the confidant and disciple of De Witt—the Pensionary Fagel, whose family, during every reverse of fortune, have continued to adhere to the House of Orange with the most steady and exemplary fidelity—but notwithstanding this advice, the Great William refused to accept the proffered dignity. Some people had at that period ascribed his refusal to fear—others attributed it to affectation. But sir W. Temple, who knew that great prince, declared that it arose from a nobler motive; and that William was inspired with an ambition to become great by serving, and not by the servitude of, his country; and that he did not consider it so honourable to be the sovereign prince of a mean and enslaved state, as the stadtholder of a great and free one. It is also mentioned by sir William Temple, that in the conversation, which the lords, deputed by this country to induce William to ascend the English throne, had with that prince, being apprehensive that he would dislike the popular constitution of England, and imagine that it subjected the country to internal distractions, and rendered it less disposed and able to cope with a foreign foe, they represented to him that such was not the case; but sir William Temple states that their fears were groundless; for that the prince expressed his conviction, that in a free country tranquillity was better insured than under a despotism; and that no efforts were calculated to be so effectual against an external enemy, as those which were generated by the enthusiastic spirit of liberty and independence. Sir, there is a circumstance which shews very clearly the opinion, on the events in Holland, of an individual of great importance at the present crisis. In the bulletin issued by the Crown Prince of Sweden on the 30th November, it is declared that the restoration of the stadtholder to his dignity will be attended with the worst consequences to France. It is therefore evident, that on the 30th November, in full possession of all that had taken place in Holland, this great and illustrious individual, to the excellence of whose plans, and to the activity of whose exertions, the deliverance of Europe is greatly attributable, and who has served the country of his duty as brilliantly as he formerly served the country of his birth—did not think that by the act of two or three towns, the whole population of Holland were committed to a radical change in their form of government. It is true, his royal highness the Prince of Orange has declared, that he will not accept the dignity pressed upon him, but "under the guarantee of a wise constitution, which shall secure the freedom of his people against all possible future abuses." Sir, I applaud this declaration. It is worthy of a descendant of William the 1st and William the 3d, to the countrymen of De Witt and Fagel. Nor, perhaps, is it unbecoming even a private member of this House to rise here, and to claim for the people of Holland the benefit of a due observance of this declaration. Sir, under the circumstances of the support which this country has afforded to Holland, to enable the inhabitants to expel their enemies—if the liberties of the Dutch should not be secured, the councils of England will be irretrievably disgraced; we shall be accused of deserting the cause of national independence, and, under the mask of friendship, of riveting the chains of a brave people. But I will not cherish any suspicions of that nature. The Houses of Nassau and Brunswick are distinguished by every circumstance which can give dignity to great and illustrious families; and, above all, by their having been selected by Providence as the guardians of the civil and religious liberties of their respective countries.

The present representatives of those Houses cannot betray their trust without forfeiting the honours which they have inherited from their ancestors. But at least it may be said, that if the recent events in Holland had passed without observation in this country, if no protest had been entered against the principle of lightly abolishing the popular government of a country, and that country an old and a faithful ally, we might have been justly accused of an indifference to liberty and friendship. God forbid, Sir, that a single word which has dropped from my lips this evening should have the effect of damping the zeal of the natives of Holland against their foreign oppressors, or of diminishing the sympathy with which their brave and noble efforts are regarded in this country. I have no difficulty in declaring, that no circumstances in the internal situation of a country can justify an indifference on the part of its inhabitants to the defence of that country against a foreign enemy. The worst measures of domestic government can never be a sufficient excuse for such an indifference. The man who maintains a contrary doctrine is a detestable citizen. It was with great pleasure that, at the opening of the present session, I heard from a young and eloquent friend of mine, whom I sincerely congratulate on the honourable appointment which he has lately obtained (Mr. Charles Grant), the doctrine that in all countries there was an instinctive patriotism which impelled the inhabitants to defend the home of their fathers against all foreign attack. Sir, this is a beautiful ordination of Providence. It is one of the great sweeteners of the evils of natural society. If there be a philosophy which would extinguish or impair this feeling, I abandon it to the contempt which it deserves. But in addition to this instinctive patriotism, there is also a moral patriotism—a love for a country because it is a country which deserves love; an attachment to a government because it is a government which deserves attachment—this is a description of patriotism which can be preserved only with the preservation of liberty. And if there be any levelling philosophy which would destroy this higher kind of patriotism, it merits as deep a detestation as the other; and most unnatural would it be to maintain its doctrines in an English House of Commons.—Thus, Sir, have I stated the scruples and difficulties (part of them certainly relieved by the recent replies of the noble lord to my inquiries) which I entertain with respect to the late changes in Holland. I have expressed my opinion on the nature of those changes. I could have wished that they had been effected by the legal representatives of the people, or, if that was impracticable, by the actual representatives of the people—or if not so, at least by the clear concurrence of the whole people, acting under their natural leaders, whose authority it is much more important to maintain during a revolution, than at any other period in the history of a country. I should have been glad also, if the whole affair had been conducted more gravely, and with more evident proofs that it met with the entire approbation of the people. As it is, I trust his royal highness the Prince of Orange will adhere to the terms of his noble declaration, and secure to his subjects the liberties they so well deserve. I rejoice that his Royal Highness has not spoken lightly of that which, under the name of civil liberty, it has been the fashion to oppose, political liberty. I rejoice that he holds out a constitution to the Dutch. I trust that it will be a constitution composed of sufficient vigour on the part of the executive government, connected with some representation of the sovereignty of the people; that it will secure equal laws, and the pure and impartial administration of justice. On this last subject, it is, indeed, very satisfactory to know that the purity of the administration of justice in Holland has survived all the storms which the various revolutions of that country have occasioned; and that the impartiality of the judges, and the integrity of the lawyers of Holland, continue to be most honourably distinguished. Sir, there is another subject on which I wish to say a few words. I cannot ask the noble lord any question upon it, because it relates to that which may be an operation of the war. I am, therefore, obliged to argue upon it as a rumour—as a case that may by possibility occur. It has been stated, Sir, that it is the intention of the allied powers to treat the Helvetic body hostilely—not to consider that body as entitled to the rights of neutrality, but to force their way through Switzerland to France. Now, Sir, I cannot ask the noble lord if this is actually the fact; because, if he were to answer in the affirmative, it would be to divulge to the world that France is to be attacked on that side. But on this question of a long adjournment, I am at liberty to discuss this as a possible case. I therefore submit, with great deference, my opinion, that if I am rightly informed with respect to this intention of the allies, such an act would be a violation of one of the free principles of public law. The Helvetic body is bound to France, only by a convention to furnish France with a certain number of men. By this convention, concluded in 1804, Switzerland engaged to furnish 16,000 troops to France.—She has furnished troops to France, and to other countries, for three centuries. If my intelligence be not incorrect, there is no other existing treaty between France and Switzerland than that which I have just mentioned. Sir, that cannot be called an infringement of neutrality. In 1809, during the war between France and Austria, the Swiss government (furnishing thirteen thousand troops to France) was anxious to take the precaution of inducing Austria distinctly to recognise the neutrality of Switzerland, which Austria accordingly did; and abstained from any complaint of the conduct of Switzerland, receiving the ministers of that country at her court. I have never understood that a mere supply of limited succour to one country, under a convention concluded before the breaking out of a war between that country and another, gives to the last the right of making war on the power by which the succour is so afforded. It is not so stated by the best writers on the law of nations. Indeed, Sir, we have recent and remarkable instances that such has not been the usage of nations. We have the instance of the succour granted by Holland to the empress queen, in the war of the Austrian succession;—we have also the instance of the succour granted by Holland to this country in the rebellion of 1745. In neither of these cases was the neutrality of Holland deemed to be violated. With regard to Switzerland itself, there have been several instances in which that country exercised an option with respect to its assistance; refusing troops to some states, and granting them to others; and yet I do not understand that her neutrality was ever considered to be violated in consequence. In the debate which took place in this House in 1805, on the rupture with Spain (in which the greatest talents were displayed; in which, on one side of the House was a right hon. gentleman no longer a member of that House; and on the other, my late and revered friend Dr. Lawrence, than whom a man of more profound knowledge of public law never existed); the principle to which I have adverted was successfully maintained in the discussion of the treaty of Ildefonso. I am aware, Sir, it may be asserted, that the occupation of Switzerland by the allies will be highly advantageous to their cause, and will facilitate the attainment of their object. This may be very true; but if it be allowed to supersede the right of Switzerland to maintain her neutrality, there is an end of all public security. If Switzerland is not to be considered neutral, because she covers a large frontier of France, which it would be convenient to approach, farewell to the rights of nations. In my opinion, looking at the conduct of Switzerland for the last 14 years, such an act as the occupation of that country by the allied powers would be a most odious act of warfare. Switzerland has made constant efforts to maintain her neutrality; "to preserve herself for better times." The national character and spirit of the Swiss entitle them to forbearance. One of the deputies sent from Switzerland to the head-quarters of the allied armies is the celebrated Aloys Reding, the patriot who so heroically resisted the French in 1792. I trust, when he presents himself to the allied sovereigns, that they will recollect this circumstance; that they will recollect that when the whole continent was prostrate at the feet of France, Aloys Reding, at the head of a small but gallant band, braved the conqueror of the world—that he fought and bled on the field of Morgarten—that he set the first example of that glorious resistance to foreign oppression which so many nations have since happily followed—and that it is this hero who now implores them to spare the remains of his gallant countrymen. Sir, I trust that the observations which I have made on this subject will prove totally useless. The expression appears to create some surprise, but it is just; for what can better prove the propriety of having made the observation which I have offered to the consideration of the House, than that they should prove to be the rule on which the great powers of the continent will determine to act? If they forego their attack on Switzerland, it will be because they will be convinced of the truth and justice of the arguments by which that attack has been opposed. I hope that I shall not be misunderstood to wish to dissuade the Swiss from taking part in the confederation against France. It is impossible for me, Sir, to put myself into the situation of being able to judge for Switzerland in this respect. I cannot sufficiently divest myself of my feelings as an Englishman to, be fully aware of the feelings which the inhabitants of a neutral nation may have on the subject. But if I really had to decide for Switzerland, nothing would so strongly indispose me to espouse the cause of the allies, as their claiming and threatening to enforce a right to pass through Switzerland in the pursuit of their ultimate object. What would be the language used by the allies to the Swiss on such an occasion? "We call upon you to join us in maintaining the independence of Europe; and the first step that we require you to take is, to sacrifice the independence of Switzerland." Sir, it gave me great pleasure to hear the noble lord state, in reply to my hon. and learned friend, that of which, indeed, I did not entertain much doubt, that the Proclamation attributed to the allied powers is an authentic document. After what I have said, it must be totally unnecessary for me to trouble the House with my opinion upon it. It is, indeed, one of the most wise, magnanimous, and enlightened state papers that was ever issued. From the bottom of my heart I adopt every sentiment and every syllable which it contains; and if, after the promulgation of such a document, it shall be still found necessary to carry on the war, I am sure that no true Englishman will refuse his most zealous and hearty support in its prosecution. On the principles of that manifesto, as they appeared to my mind on the first day that I read it, Great Britain ought to make common cause with the powers from whom it proceeded. From that cause there ought to be no retreat. The confederates in such a cause ought never to forget the obligations they owe each other; they should pursue no separate interest; their sole object ought to be the independence of Europe. The mention of the word 'peace' on any other terms should be considered detestable. On us it would be incumbent to make every effort in war and every sacrifice in negociation. Whenever that latter period may arrive, we ought to bring forward our acquisitions during the war in the cause of Europe, and consider them only as those of one member of the confederacy, to be used for the good of all, although it had so happened that they had been obtained by ourselves. Thus ought we to conduct ourselves towards all the nations to whom we have pledged our faith, and more especially to those who have bravely taken up arms in the cause. First, Spain and Portugal—then Holland—and lastly, every part of Germany which has joined the common cause. To these countries we are so bound, that we cannot, without the deepest disgrace, listen to any proposition that would shake their independence—not their nominal but their secure and substantial independence. For the attainment of this object, we must willingly relinquish all the fortresses or other acquisitions of territory, and otherwise, which we may have made. There is another consideration, Sir, which we should not forget. It is, so far as we can reasonably do so, to secure the permanent independence of those friendly states, by depriving others of the power of oppressing them. The year preceding that of the partition of Poland was the year in which the balance of power existed in the greatest perfection. Had it not been for the criminal and disgraceful desertion of that system by the French and British governments, a great part of the calamities which have so long agitated Europe would have been avoided. There was only one person at that period among our leading statesmen who evinced a just sense of what Great Britain owed to the preservation of that principle. That person was the first marquis of Lansdowne, who was compelled to resign his situation as secretary of state, in consequence of an expostulation to the French government on the conquest of Corsica. After the peace of Amiens, the balance of power was in its lowest state of depression. What security the allied powers may now seek in order to restore and maintain it, I know not. It is for his Majesty's ministers, and for those of the allied sovereigns, to view all the circumstances of Europe, with a reference to that most desirable object. It will be for us, Sir, when the course which has been pursued shall be brought before us, to give our opinion upon it. That cannot now be done; totally uninformed, as we necessarily are in this House, with respect to the degree of security which we should pursue as the object of war and as the preliminary to peace. Thus, Sir, have I imperfectly submitted to the House, under the pressure of severe indisposition, such ideas as I have been enabled hastily to collect on this important subject. I sensibly feel the disadvantages under which I have laboured in the course of my address to you—disadvantages which I might perhaps have avoided, if I had listened to prudence. I hope, however, that the House will do me the justice to believe, that in feeling what appears to me to be due to the civil liberty of Holland, I entertain no lukewarmness towards its national independence—that, in wishing the confederated powers to exhibit strict justice to a neutral nation, I am nevertheless most anxious for their success on those honourable principles contained in their admirable Manifesto. Sir, I move as an amendment to the noble lord's motion, to substitute for the words "Tuesday, 1st of March," the words "Monday, 24th January."

Colonel *St. Paul*, in a maiden speech, observed, that when he had understood that the adjournment was to have been opposed, he had expected to have met with some solid objections to that measure; but instead of this he had heard a most feeble opposition, in which it was singular that there was not a word applicable to the question of adjournment. He had much respect for the talents of the hon. member who had opposed the motion before the House; and he had hoped to have received the benefit of them on the questions respecting the East India Company, with which that hon. and learned member must have been conversant; but, instead of this, they had a display of his eloquence on the subject of an adjournment, in which the whole House concurred. The question was one of confidence in the ministry; and from what he had heard that night there were grounds of confidence, and not of distrust, in the advisers of the crown; nor was the hon. member entitled to arrogate to himself more solicitude for the general welfare than any one of those members who concurred in the adjournment. He was happy, however, at the opportunity which this opposition afforded him to express his confidence in his Majesty's ministers. For though the hon. and learned gentleman had placed his opposition on the more delicate footing of the critical juncture of affairs; yet the main point of the question was, whether the House had enough confidence in the ministers to trust them for two months? A more finical opposition to any measure he had never heard in that House; but he trusted they had enough confidence in the ministers, and in the Regent, whose provident and comprehensive mind—[Here calls of order, and laughter, prevented the hon. gentleman from concluding his sentence]—To the heads of the administration the gratitude of the House was due. To a noble lord in that House (lord Castlereagh) they owed the great measures of which the late occurrences were the glorious results. To the measure of allowing the militia to volunteer into the line, we owed those soldiers who were planting the British standard in the soil of France, and that success in Spain and Portugal which was the main spring of this patriotic war. This measure, so important as to our foreign relations, was equally congenial to the feelings of this country. As to the reason which had been adduced for the continuation of the sittings of parliament, from the changes which were likely to take place in the state of Europe, he would ask, whether, even if the parliament continued sitting during a negociation, the noble lord at the head of the foreign department would think it consistent with his duty to disclose to the House the nature or terms of the treaty, while such a disclosure might unhinge and overthrow the treaty itself? Such conduct would be both weak and wicked. The hon. member concluded by saying, that he should not have trespassed thus long on the House, but that he had been sorry to see the unanimity which had prevailed in the House during the whole of the session disturbed; and because he wished to bear witness to the gratification he had received, as well from this unanimity, as from the manly avowal of opinion on the part of the member for Bedford (Mr. Whitbread), and the member for Liverpool (Mr. Canning).

Mr. *Whitbread.* I heard with pleasure from the hon. member who has just spoken, who, from his manner of expressing his feelings, must have felt very strongly when silent [a laugh], his satisfaction at my conduct; but when I afterwards heard also his approbation of the conduct of the member for Liverpool, I felt rather surprised that the hon. gentleman was able to chime in with both of us, as there are no two men whose views of political subjects can be more discordant. As to the speech of my hon. and learned friend (sir J. Mackintosh) who has opposed the adjournment, on the accession of whose talents I congratulate the House and the country, and than whom, on questions of public law, there is no one more competent to instruct the House; I wonder at the application made of it to any party; and still more at the epithet finical, which the hon. gentleman who spoke last was pleased to bestow on it. Though I agree with my hon. and learned friend in all his general principles, and concur completely in his wish to oppose all long adjournments, I should contradict the opinions which I have declared respecting his Majesty's ministers, if I concurred in opposing this motion of adjournment. If any thing had occurred to diminish my confidence in them, I might be justified in my opposition to the present motion; but instead of any thing having occurred to diminish it, the adoption this night by the noble lord (Castlereagh) of the splendid Declaration, dated at Frankfort, December the 1st, increased that confidence. During this session I have not only withheld my opposition, but even given my support to measures in which, under ordinary circumstances, I could not have concurred—especially on the occasion of the Mutiny Bill; when, an assurance being given to the House by the noble lord opposite (lord Castlereagh), that an adjournment for a period longer than usual would be convenient to public affairs, from a knowledge of this circumstance I concurred in giving to the crown a power for a longer period than it has ever before possessed, and under circumstances which I hope will never again exist. Without remitting any of my jealousy of long discontinuances of parliament, I am willing to confide in those who, I trust, will merit my confidence; and I feel that when I again appear in this House, I shall be entitled to call his Majesty's ministers in a more strict manner to answer for the exercise of the discretion confided in them, than if I withheld in any degree my concurrence in granting it. I concur with my hon. and learned friend in regretting the change of the constitution of Holland—in regretting that by the person now called the Sovereign Prince, at the moment of his restoration, this constitution should be thus completely abrogated; and I hope that ere long his promise will be performed, and that we may see that free constitution established. But on the principles laid down by my hon. and learned friend (sir J. Mackintosh), and believing the declaration of the noble lord (lord Castlereagh), it is impossible that any notice can be taken of this subject in parliament. And as to Switzerland, in the possibility of Great Britain taking part in an aggression on that country, I see no probability that this contingent event, which I trust will never happen, will call for parliamentary interposition before the 1st of March.—It is because I see that the march of the allies is guided by moderate counsels, counsels in direct opposition to those pursued at the beginning of the war, that I repose this confidence in ministers; and I am gratified that the paper which I have mentioned has been circulated before the recess of parliament, so as to have given opportunity to his Majesty's ministers of publicly recognizing it; because the existence of such a declaration must put an end to the absurd follies which have been revived by some, of punishing France—of teaching the French people. These wild, wicked, and mischievous chimeras must now be put down; for the allies have done what I anticipated a magnificent alliance would do:—notwithstanding their victories, they have adhered to their stated object, and have not altered the principles, or, to use their own words, the conditions, on which they will receive peace. Taking this manifesto as my guide, I hope that peace is already achieved; but if peace is not yet conquered, there is not a man in this House, or in the country, who will not concur in the further conquests which may be necessary to procure it. Throwing on his Majesty's ministers the responsibility of the confidence which they demand, and in the spirit of confidence, I concur heartily in the motion of adjournment.

Mr. *Abercrombie* said, that the declaration of his hon. friend (Mr. Whitbread) had much relieved his mind; for he held it to be of the utmost importance on great occasions, to maintain as an inviolable rule, that we should not interfere in the internal affairs of other states. The change of the constitution in Holland was to be regretted, he thought, on account of the other states on the continent, and might be injurious to the alliance; because the concurrence of many states in the attempts to effect the deliverance of Europe must have been in the hopes of ameliorating their internal condition. As to the reasons which were to induce them to concur in a measure perhaps not sanctioned by the principles, certainly not by the practice, of the constitution, it had been stated, that there were grounds for confidence in ministers. He (Mr. A.) should belie his whole conduct if he had said that they possessed his confidence. The sentiments in the King's speech did honour to the advisers of the crown, and their acts since had concurred to prove them sincere; the Declaration of the Allies, also, he confessed, deserved all the epithets which had been bestowed on it. But these were good only as far as they went; and as he could form no estimate of the future conduct of ministers but from the past, he could not be sure, judging from their general conduct, that they would follow up their professions. If this long and unprecedented adjournment had been thought necessary by ministers, he thought it might have been introduced by a message from the throne; by which means there would have remained on their Journals some reasons for this extraordinary step, and it would have been shewn that confidence in the ministry was the cause of the adjournment; but as the case now stood, if at any future time unanimity prevailed in the House, the same reasons which now sufficed would have weight in favour of a still longer adjournment.—Unless some strong case were made out, why should the parliament be held in a time at which it was most inconvenient for members to attend, consequently when there would be the thinnest attendance? What would be the effect of this measure on the House of Lords? As many of the important Bills must originate in the House of Commons, they would reach the other House at a time when their lordships could not attend, without neglecting more urgent business in other places; and thus the most important measures would necessarily pass that House without consideration. As to the recent and valuable accession to the House (the Irish members), adjournments for such a period would annihilate them completely; for they might as well give up all hopes of re-election as neglect to attend at the assizes in their counties, which took place in May, and which it was well known were unlike the assizes of this country; many measures of the utmost local consequence being there submitted to them. Now, what was the ground of this adjournment which would produce these evils?—Did the ministers suppose the House of Commons would shackle them? Had they no experience of the present parliament?—Yet this was the parliament which had sanctioned a measure (the Mutiny Bill for an extended term) which even the noble lord opposite (lord Castlereagh) was glad to see an objection made to, that it might not pass into a precedent. Why was it, that, without any possible good result, an innovation was resorted to, which would produce the utmost mischief?—We, who expected the establishment of social liberty in the rest of Europe, were to hear such language held to the members of one of the few free deliberative assemblies of the world—that they were good merely in idea—that they were deserving of no confidence—and that when there was any thing of importance to take place, they were wished away.

Mr. *Protheroe* agreed in general with the hon. gentleman who had preceded him (Mr. Abercrombie), and deprecated the inversion of the seasons among the fashionable world, which the parliament was about to countenance, by allotting to a residence in town that part of the year which nature designed for a residence in the country. He gave credit to Mr. Whitbread for the conduct which, as the hon. gentleman expressed it, combined all that was honourable in loyalty with all that was consistent in patriotism. Never (he remarked) had there been a session when so much had been done and so little said. The House had hitherto invigorated the powers of government by an almost unparalleled unanimity; and he hoped that there would be now no disposition to impede their proceedings. They might address the House in the eloquent language which Mr. Burke had used to his constituents: "If we droop, encourage us; if we fall, console us; if we succeed, applaud us; let us pass on, for God's sake, let us pass on."

Mr. *P. Grenfell* said, he was more convinced than when he had entered the House of the propriety of the lengthened adjournment. As to confidence to be reposed in his Majesty's ministers, he thought that if there was a time when it became the ministers to ask, or the House to repose this confidence, it was the present. The late glorious events showed the title of ministers to this confidence; and as far as his individual voice went, they had it.

Sir *Samuel Romilly* said, that the adjournment of parliament to so distant a period was not proposed on the ground of confidence in ministers. Indeed, if it had been, still it would not have met his concurrence; for the House had no right to repose such a confidence in ministers as would lead to a virtual abdication of its functions. He should not attempt to follow his hon. friend (sir J. Mackintosh) through the various points of his admirable speech; for which, in common with the House, he felt himself highly indebted to him, and which he was astonished to hear treated in the way in which it had been by an hon. member who had spoken for the first time in that House to-night. If the sound, constitutional, comprehensive principles laid down in that speech had received no answer, it was because they did not admit of being controverted. Much had been said, and with truth, of the unanimity which had prevailed this session. He, for one, was glad of that unanimity, and of the great and glorious events which had been the occasion of it. But it was to be remembered, that all those questions which were like to lead to a difference of opinions, had been purposely postponed till after the recess. Even when parliament sat the usual time, the stress of business was so great towards the end of a session, that sometimes forty or fifty orders were disposed of in an evening. It had often happened that the fatigue of members, occasioned by a close attendance before Christmas, had been the ground of a longer adjournment than usual. But this could not well be urged as the ground of the present motion. In fact, no ground had been stated. After urging, in various points of view, the inexpediency of suspending the functions of parliament for so long an interval, sir Samuel Romilly sat down with declaring, that he should be ready to divide with his hon. friend who moved the amendment.

The amendment was then put and negatived; after which the original question was put and carried without a division.

The House then adjourned to Tuesday the 1st day of March, 1814.

HOUSE OF LORDS.

Tuesday, March 1, 1814.

FIRE AT THE CUSTOM-HOUSE.] The *Lord Chancellor* stated, that in consequence of the burning of the Custom-house, application had been made to him for liberty to inspect the papers in the custody of the clerk of parliament which had been at any time presented from the Custom-house. Sitting on the woolsack, he thought it most becoming in him to mention the matter to their lordships; and he now moved, that Mr. Irving, the inspector-general of the imports and exports, should have leave to examine the papers which had been at any time presented to that House from the Custom-house.—Ordered accordingly.

MESSAGE FROM THE REGENT, RECOMMENDING A FURTHER ADJOURNMENT.] The Earl of *Liverpool* stated, that he had a Message from the Prince Regent, acting in the name and on the behalf of his Majesty, recommending it to the House, under the existing circumstances, further to adjourn itself to the 21st of the present month (March). Having read the message, as above, he moved, that the House do accordingly adjourn till Monday the 21st instant.

The Marquis of *Lansdowne* did not oppose the motion; nor could he feel himself justified in giving it any decided opposition, after the manner in which it had been recommended by message from the Prince Regent; stating, at the same time, however, that, notwithstanding the manner in which the motion was recommended, he considered it as perfectly competent to himself, or any other peer, to oppose the motion of adjournment, if he thought proper. But any reluctance that he felt in concurring in this motion, and he certainly did feel some reluctance, arose not from any want of respect to the quarter from whence the recommendation came, nor from any want of confidence in his Majesty's ministers, or their efforts for the attainment of the great object, with a view to which this adjournment was proposed; nor from any wish whatever to throw any obstacles in their way in the prosecution of that great object: on the contrary, if he imagined, or had the slightest idea, that the sitting of parliament would, in the smallest degree, interfere with them in this respect, or withdraw their attention or time, in the least, from this important object, he should be the first not only to concur in, but to urge the propriety of agreeing to the noble earl's motion. His reluctance arose solely from a view of the state of public business at this moment, and also of much important private business. Many matters, which ought this session to meet with the serious attention of their lordships, would now be postponed to a very late period, if they could at all be brought under consideration. There was no disposition on that side (opposition side) of the House to give any interruption to ministers, in regard to any negociations that might be going on; and no such interruption would be given. Feeling no disposition on his own part, then, to give any interruption to ministers in the object which at this time must particularly engage their attention, he could not help regretting, that they had thought it necessary to come down to the House with a message of this nature, considering the late period to which the business of the session had been already postponed, and when so much important business remained to be disposed of; for he did not hold it as a doctrine, that because one great and important branch of public business could not be proceeded with, parliament was therefore to adjourn, and suspend the prosecution of all other business which might come before it. He saw no reason why the domestic business should stand still altogether, merely because any proceeding, with a view to our foreign relations, was for the present interrupted. Their lordships were, no doubt, aware, that a great quantity of private and other business stood for discussion, which parliament was pledged to take into its most serious consideration this session. He alluded particularly to one most important branch of business, which was almost entirely of a domestic nature. He meant the review and regulation of the Corn Laws—a business, in order to be properly executed, requiring as much time, as much information, as much care, attention, and circumspection, as almost any subject that could occupy the attention of parliament. Why, then, might not this be proceeded with in the meantime; there being a clear understanding, that ministers were not to be interfered with in the prosecution of the negociation, or in any matters connected with the present state of our affairs on the continent?

There was another most important subject which might easily be proceeded with,—he meant the hearing of appeal causes; a subject of so much interest, that their lordships thought it requisite to alter the whole scheme of the courts of justice, in order to give it additional facilities. This their lordships would never have consented to, had it not been their resolution, really to proceed with promptitude and dispatch in the hearing of these causes.—These considerations, he should have thought, ought to have deterred the Prince Regent's ministers from coming to the House with such a recommendation as this, if it could possibly have been dispensed with. At the same time, he was aware that the opinion of an individual could not have sufficient influence with the House to prevent its concurring in this motion, recommended as it was, even though that individual were decidedly to object to the motion. He did not, as he had already stated, mean to urge his reluctance in acceding to the motion so far as to give it a decided opposition; but he could not help stating the grounds of that reluctance in agreeing to it, which, on consideration of all the circumstances, he acknowledged that he felt to agree to this adjournment. His object, he again stated, in pressing the importance of parliament going on with such business as might be conveniently proceeded with, was not to embarrass ministers in the prosecution of the great object in which they were engaged at this moment. He was fully aware of the vast importance of that object, to which the House would have a future opportunity of giving such attention as its magnitude deserved; and, under all the circumstances, he thought it right to state, that the subject to which he alluded ought to meet, not only with a deep and careful, but also a most dispassionate attention. Having thus stated the view which he had of the present motion of adjournment, and the circumstances connected with it, he did not think it necessary to attempt throwing any further obstacle in the way of the motion; being of opinion, that he had discharged his duty in calling their lordships' attention to the sacrifices which they were making, in giving their concurrence.

The Earl of *Liverpool* did not feel himself called upon to say any more than a very few words, with reference to what had been said by the noble marquis. He agreed with him, that, notwithstanding such a mode of adjournment, a motion to that effect coming recommended by Message, any peer might, undoubtedly, oppose the motion, if he thought proper to do so. But the respect which was generally shewn to such a Message, under such circumstances, made it rather an unusual proceeding to oppose a motion of adjournment founded upon such a recommendation, and under such circumstances as were at present known to exist. Then, as to the question of the expediency of such an adjournment, the noble marquis had said, that the ministers would not be embarrassed nor interfered with, even although parliament should continue sitting. Yet he (lord Liverpool) must observe, that this was an argument which might apply to every adjournment, under any circumstances. But the real question was, whether, upon the whole, it was advisable that this motion should be acceded to by their lordships, on a view of all the circumstances with which it was connected; or, in other words, whether upon the whole, the advantages which might be derived from such an adjournment, considered with reference to time and circumstances, were such as might be fairly considered as counterbalancing any inconvenience that might be supposed to result from such an adjournment. With respect to its being desirable that the House should adjourn, he could only throw himself on the indulgence of their lordships. To enter into any explanation at this moment would be obviously improper; no such explanations could, therefore, be reasonably expected to be given. Certainly, however, before the Prince Regent's ministers thought it right to advise his Royal Highness to send this recommendation to their lordships, they had taken into consideration the possible or probable inconveniencies that might result from the adjournment now proposed. The result of their deliberations and inquiries on this point had been, to convince them, that no very material inconvenience was likely to arise from the proposed measure of adjournment to any important interests whatever: that was, that no inconvenience was at all likely to arise from it, which could equal the inconvenience that might result from parliament's continuing sitting. This was all that he conceived it proper at present to say on the subject.

The Earl of *Darnley* asked, how was it possible to say that no material inconvenience could result from this adjournment, when it was notorious that there was such an arrear of causes in that House; causes which ought to be proceeded in without a moment's unnecessary delay? How was it possible to say, that no material inconvenience would arise, when the regulation of the corn laws formed an object of so much importance, and one which demanded prompt attention? Parliament had already adjourned far beyond the usual period of adjournment, and now it was called upon to adjourn again. He did not mean, however, to set his own individual opinion against what appeared to be the general sense of the House: he should not, therefore, oppose the motion: he was as anxious as any of their lordships that ministers should not be interfered with in the great object about which they were at present particularly employed: but he thought they might have taken the pledge that they should not be interfered with, even though the House were to continue sitting. Though he did not decidedly oppose the motion, he could not help thinking that ministers would have acted a wiser part if they had not pressed this motion of adjournment. The hearing of the appeals would be interrupted; and a press of business would come at the close of the session, so as to render it impossible that it should meet with the proper and requisite attention.

The *Lord Chancellor* had merely a few words to say with respect to the appeal causes. On the best judgment that he could form, it appeared to him, that the adjournment need be attended with little or no inconvenience in regard to the hearing of appeal causes, provided their lordships thought proper to prevent it. If he did not sit there, he must of course sit in the court of Chancery during the three weeks to which the adjournment extended. If then, as much of his time was taken from the court of Chancery, and devoted to the hearing of appeals, on the meeting of parliament after the adjournment, as the court of Chancery now gained of that time by the proposed measure, he did not see that much inconvenience was likely to arise from that adjournment, with respect to the hearing of the appeal causes.

The Earl of *Derby* said, the adjournment must, if it took place at all, be, in reality, protracted till the middle of April. At the close of the adjournment now proposed would come Passion week, and then Easter; so that this adjournment, though nominally only for three weeks, was, in fact, an adjournment for six weeks. He had discharged his duty in stating this. The ministers might have given credit to the pledge of his noble friend, that they would not be interrupted or interfered with by the sitting of parliament, in the prosecution of the important subject which now engaged their particular attention. About the negociation it might be improper at present to say any thing farther than this—he wished, from the bottom of his heart, that ministers might be able to bring that negociation to the desirable termination—that they might be able to bring about a peace founded on a solid basis,—a peace likely to be lasting, and one which would be safe and honourable for all parties. No impediment would be thrown by him in the way of ministers in the conduct of this negociation—none would have been thrown in their way by him, though parliament had continued sitting. A future opportunity would occur for the full investigation and discussion of the conduct of ministers in this respect; and he should be most happy to find that their conduct had been such as he could conscientiously approve and applaud.

The Duke of *Norfolk* said, it was very possible, that after the close of the present adjournment another might be proposed. No precise judgment could be at present formed, even by the ministers themselves, whether a further adjournment might or might not be thought necessary. But unless they thought it probable that parliament could really proceed to business at the close of the adjournment now moved, it was desirable that they should give some notice to the agents who were concerned in appeal causes. Many of these had, to his knowledge, come to town already in the full expectation that parliament was now to have proceeded to business. In some way or other, notice might be given them before the end of the present period of adjournment, that another adjournment was in contemplation, in case another should be thought advisable.

The Earl of *Liverpool* said, he could of course give no positive pledge now on that subject. It must in some measure depend on circumstances. But he could say, at present it was intended, that parliament should proceed to business at the close of the present adjournment. As to the inconvenience stated by a noble lord on the other side (Derby), from Passion week and Easter coming close upon the period of the proposed adjournment, that circumstance had been considered; and it was expected that matters could be so arranged, that the inconvenience would not be very material.

The motion was then put, and carried; and the Lord Chancellor accordingly declared that the House was adjourned till Monday the 21st of March instant.

HOUSE OF COMMONS.

Tuesday, March 1, 1814.

In consequence of the great accumulation of private business, an unprecedented number of private Bills were brought in, and read a first time.

Sir William Garrow.] Mr. Lushington having moved, that the Speaker should issue his warrant to the clerk of the crown to make out a new writ for the election of a burgess for the borough of Eye, in the room of sir William Garrow, who, since his election, had accepted the office of Chief Justice of Chester;

Sir *Samuel Romilly* observed, that the appointment which had occasioned the necessity for the motion just made by the hon. gentleman appeared to him to be so objectionable in its nature, that he should not consider himself as having properly discharged his parliamentary duty, unless he called the attention of the House for a few moments to the subject. It was not his intention to make any motion respecting it; he had not heard that such was the intention of any other hon. member. The present, therefore, was the only opportunity which he could ever have to make the observations that seemed to him to be so necessary. He understood that his Majesty's Attorney General, who had recently accepted the high judicial office described in the hon. gentleman's motion, had not resigned the office of Attorney General, and did not mean to resign it; but that it was his intention to hold the two offices together. To him (sir S. R.) it appeared that the two offices were wholly incompatible. To appoint a gentleman holding a lucrative office at the sole pleasure of the crown (and removable from that office the very moment that he might give dissatisfaction to the crown) to a high judicial situation, was in his opinion extremely inconsistent with that independence of the judicial character which it was so important to preserve inviolate. It could not be out of the knowledge or the recollection of most of the honourable persons who heard him, that early in his Majesty's reign, and on a very memorable occasion, his Majesty was pleased to state to parliament, that it appeared to him that the independence of the judges was essential to the impartial administration of justice, to the preservation of the liberty of the subject, and to the maintenance of the honour of the crown. He could not think that these sacred considerations were attended to in the appointment of a gentleman to a high judicial office, who, as he had before observed, held at the same time another office, very lucrative in its nature, and from which he was removable at the pleasure of the crown at any moment at which the crown might think fit so to remove him. Besides, it was evident that to place as a judge over the subject an Attorney General, whose duty it was to assert and maintain the rights of the crown against the subject, was not the way to insure the equal administration of justice. He trusted, that in making these observations, he should not be understood as intending any thing personal or any thing disrespectful to the learned gentleman in question, who had merely done as others had done before him. An individual who stood in the high situation of his Majesty's Attorney General, had a right to expect, and had a right that the public should expect for him, that when any high judicial situation became vacant, he should be vested with the judicial functions. But then he ought no longer to retain his office of Attorney General. He knew that there was a particular Attorney General for Chester as well as an Attorney General for the King; and that in many, perhaps in most, cases, prosecutions might be conducted in the court of Chester by the former, without any previous interference by the latter. But this was not always the case. For instance, the recent criminal prosecutions for riot in that part of the country were directed by his Majesty's Attorney General, who assisted at the consultations of his Majesty's government, the object of which was to ascertain the best mode of quelling the disturbances. Should such occurrences again take place under the existing circumstances, persons would be tried by an individual who had advised and directed their prosecution! It was undoubtedly true, that these two offices had at former periods been held by the same individual. Lord Kenyon, lord Alvanley, and other persons whose memory he highly respected, had so held them. But to him did the appointment seem so inconsistent with pure notions of the independence of the judicial character, which ought not to be exposed to be affected either by the hope of royal favour or by the fear of royal resentment, that no example, even had sir Matthew Hale, or lord Somers himself, afforded it, could in his opinion sanction such a measure. It was a great misfortune, that the instances to which he had just alluded, in which the two offices were held by one individual, had been allowed to pass without comment. Impossible as it was to justify the appointment, it was essential that such silence should not again be observed, and particularly in that House; one of the peculiar duties of which was, vigilantly to watch over the impartial administration of justice. What would be said by the country, if one of the twelve judges was to accept an office inconsistent with the proper discharge of his judicial functions, and from which he was removable at his Majesty's pleasure? What then could be said of an individual who held the two incompatible offices of Judge and Attorney General; the emoluments of the latter office being four or five times greater than those of the former, and from which latter office he was removable at the pleasure of the crown? Could such a person be considered as an independent judge? The House must be aware, that the office of chief justice of Chester was a very high one, being next in importance to those of the twelve judges; the chief justice of Chester having always to try an extraordinary number both of criminal and of civil cases. He had felt it to be his duty to throw out these observations; but he repeated, that it was not his intention to make any motion on the subject.

The motion was then agreed to.

On the motion of Mr. Ponsonby, a new writ was ordered to be issued for the county of Kildare, in the room of lord Henry Fitzgerald, who had accepted the office of steward of East Hendred.

THE PRINCE REGENT DESIRES THE HOUSE TO ADJOURN.] On the motion of the Chancellor of the Exchequer, the Committee of Supply was postponed from tomorrow until Wednesday the 23d instant.

On the Chancellor of the Exchequer's making a similar motion with respect to the Committee of Ways and Means;

Mr. *Tierney* expressed his surprise that the right hon. gentleman had abstained from assigning any reasons for these propositions.

The *Chancellor of the Exchequer* said, the reason which induced him to wish for the postponement of the committees was, that, in consequence of the existing state of public affairs, he had a communication to make to the House from his royal highness the Prince Regent, which communication he would then make; namely, "That, it being the pleasure of his royal highness the Prince Regent, in the name and on the behalf of his Majesty, that the parliament should be adjourned until Monday the 21st day of this instant March, his Royal Highness desires that this House, will adjourn itself until Monday the 21st day of this instant March." In consonance to this intimation, he would move, that at its rising the House should adjourn to Monday the 21st instant.

Mr. *Whitbread* observed, that although every one had anticipated the communication which had just been announced by the right hon. gentleman, yet it was certainly surprising that the right hon. gentleman had not preferred making the communication the preliminary step to the postponement of the committees, instead of making the postponement of the committees the preliminary step to the communication. If he were not aware, that such was the usual style of a communication of that nature—namely, that it was his Majesty's 'pleasure' the House should adjourn, he confessed that he should think it rather an ungracious mode of expression. It was certainly, however, justified by the precedents on the Journals. He did not rise by any means to oppose the adjournment; to which, on the contrary, he should assent with the same readiness as he did to the last proposition of that nature. Nor would he express either disappointment, or hope, or fear, with respect to the events that had taken place since their last meeting, or that might be taking place at that moment. It was his wish cautiously to abstain from any observations on the subject; reserving himself until the period when that information should be afforded, to which he, the House, and the country, looked with confident expectation. But although he had no hesitation in voting for an adjournment, and for an acquiescence in the pleasure of his royal highness the Prince Regent, yet he owned that he entertained some apprehensions lest the present proceedings should be drawn into a pernicious precedent. He was not without his fears, that when the circumstances of the times should not be well recollected, posterity might accuse those who consented to the present proposition, of an abandonment of their duty to their constituents.—He was aware, that in 1799 an adjournment of a much longer duration even than that, the termination of which had this day assembled the House, had been proposed, and without difficulty acceded to; but that was at a period of the session at which the public business did not press so heavily as it had pressed during the late recess, and would necessarily press during that which was about to take place. Therefore, although he did not regret having voted for the last adjournment—although he did not repent having placed the confidence which he on that occasion placed in his Majesty's government—although he was not disposed to cavil at the adjournment now proposed, yet he did wish to guard the proceeding from being converted into a dangerous precedent. He wished to have some record on the Journals of the House, of the grounds on which parliament had been induced to take such a step. In the words which he had committed to paper for this purpose, he hoped he had so entirely abstained from expressing an opinion, or any thing like an opinion, or an anticipation, with respect to public affairs, that he really entertained a confident expectation that the right hon. gentleman opposite would not object to their adoption. He would, therefore, move as an Amendment to the right hon. gentleman's motion, to leave out all the words after the word 'that,' for the purpose of inserting the following:—

"An humble Address be presented to his royal highness the Prince Regent, to express to his Royal Highness the grateful acknowledgments of this House for the communication which his Royal Highness has been pleased to send to this House, in the name and on the behalf of his Majesty.

"To assure his Royal Highness, that notwithstanding the recent adjournment of this House, at a season when so many matters of the gravest importance pressed themselves upon its consideration, and for a period of very unusual length, this House will cheerfully comply with the pleasure of his Royal Highness, signified by the Chancellor of the Exchequer, and adjourn itself to the 21st day of March instant; trusting that the unexampled state of public affairs upon the continent of Europe will afford a justification of their conduct to their constituents and to posterity, prevent its being drawn into pernicious precedent, and preclude the possibility of its being attributed to inattention to the great concerns which call for the increased vigilance and activity of the House of Commons, or any dereliction of its sacred duties."

The *Chancellor of the Exchequer*, in reply, defended, on the ground of precedents, the propriety of his having moved for the postponement of the committees before he made the communication to the House from the Prince Regent; but the right hon. gentleman spoke in a tone of voice which was at times so nearly inaudible, that we were utterly unable to follow him, although he seemed to be arguing that the communication must, of necessity, be the last step; as respect to the crown would of course induce the House, without entering into any further business, to adjourn immediately on the intimation of the royal pleasure. He proceeded to say, that he could by no means consent to the amendment proposed by the hon. gentleman. The House would observe, that by the present mode of proceeding the suspension of the functions of parliament was left in the hands of parliament itself. If, however, by adopting such a proposition as that made by the hon. gentleman, any jealousy were evinced by the House, then, under similar circumstances, the crown would be put to the necessity of preferring the more inconvenient form of prorogation, to that of simply recommending an adjournment. The present was a proceeding sanctioned by the practice of all former periods. In very few instances had such a recommendation from the crown (the House resting on the responsibility of ministers) been even made the subject of debate. In one case, during the last war, the question of adjournment in similar circumstances had unquestionably been brought to a division—but what were the numbers? On the one side the tellers, on the other the whole body of the House! With respect to the last subject alluded to by the hon. gentleman, he would only say, that when the proper time should arrive, his Majesty's government would be ready to give every explanation that might be necessary to elucidate the discussion which the hon. gentleman anticipated.

Lord *Archibald Hamilton*, when he considered the advanced period of the session, and the length of the adjournment which had already taken place, felt himself compelled to resist the motion of the right hon. gentleman. He would ask the House, whether, if they could have foreseen, when they agreed to the late adjournment, that at the end of two months a still farther delay would be asked, they would have consented so readily as they then did? He wished to throw no embarrassment in the way of his Majesty's ministers; but he really could not see in what way the sitting of the House would embarrass them. The quantity of papers exhibited that day in the House was a strong reason for opposing the adjournment.

Mr. *Ponsonby* said, that no man could feel more forcibly than himself the inconvenience to the public with which an adjournment would at present be attended; but every man must also feel the very important and delicate situation of affairs at this crisis; and when his Majesty's ministers, on their responsibility, came forward to the House and asked an adjournment for three weeks, he felt himself unable to resist the application. He could not conjecture what the affairs were which rendered such a measure necessary; but when the time arrived, at which a disclosure should be made to the House, he would then be prepared to enter on the consideration of them. He should feel a difficulty, if his hon. friend pressed his amendment, of supporting it; for he knew no instance in which the House, when it agreed to any measure like the present on the recommendation of the crown, had entered a reason for that compliance on their Journals; as the House had always considered the recommendation as a sufficient reason for its compliance. To act otherwise, would be to bring on a premature discussion of that which it was the object of the measure to avoid bringing under discussion. He would therefore confide entirely, in this instance, to ministers, on that constitutional responsibility which attached to their situations, and which at no time could they be more imperiously called on to exercise.

The motion for adjournment was then put and agreed to.

HOUSE OF LORDS.

Monday, March 21.

After going through the private and judicial business, about five o'clock, the Lord Chancellor put the question of adjournment; when

The Duke of *Norfolk* observed upon the propriety of a general understanding prevailing, as to the particular hour at which public business, or private business likely to excite public attention, should in future commence. It was of great importance that some regulation of the kind should forthwith take place.

The Earl of *Liverpool* said, it was always understood that five o'clock was the most generally convenient hour for entering upon the public business before Christmas; upon grounds of particular convenience, it was agreed that half after four should be the time; but, as it did not seem that any particular time was so much wished for, as some generally understood hour, he thought it would be the more advisable to fix it for the usual time of five o'clock.

HOUSE OF COMMONS.

Monday, March 21.

FINANCIAL ESTIMATES.] Mr. *Arbuthnot* presented several Financial Estimates; on which

Mr. *Whitbread* observed, that although, in the present state of affairs, it was by no means his wish to provoke any discussion, yet it were to be wished that ministers would give some information to the House of their intentions respecting the supplies. At all events, he trusted that nothing conclusive on this subject would be adopted before the Easter recess.

The *Chancellor of the Exchequer* said, that nothing of the kind was intended; but it must be obvious to the House, that supplies were necessary to be taken for the public service; and all he should propose would be, to take such sums as were expedient for the different branches, whenever they might be wanted.

Mr. *Whitbread* then expressed his desire to know, whether it was true, that considerable sums of money had been transmitted during the recess to foreign powers our allies, without any communication having been made to parliament on the subject, or even without any fund being appropriated for that purpose?

The *Chancellor of the Exchequer,* in reply, said, it would be in the recollection of the House, that various sums had been voted for the purposes in question: of these, there had certainly been a considerable portion remitted. But he could not take upon himself to say, that any sum had been sent beyond what was authorised by parliament.

Mr. *Whitbread* repeated his question, and received a similar answer.

MOTION RESPECTING AN AMNESTY TO SUBJECTS OF FRANCE.] Lord *Ossulston* then rose to call the attention of his Majesty's ministers to a subject that appeared to him of the utmost importance. At a time when it was known that the word 'peace' was so unpleasing to many ears, he thought that if we were now to conclude a peace with France, care should be taken that the country should not be reproached with having deserted those interests which were entitled to protection. In a former period of our history, it had been considered a reproach to the country, that the brave Catalonians had been deserted by us at the time of our concluding a treaty of peace with France; and now———

The *Chancellor of the Exchequer* spoke to order. If the noble lord had either risen to ask a question, or to give a notice, it was irregular to introduce his notice, or his question, with so many observations.

His lordship was proceeding with remarks on the present state of affairs; when the Speaker informed him, that there was no question before the House.

Lord *Ossulston* said, it seemed to be the general feeling that a peace was soon to take place. He did not know upon what foundation this hope was built; but whether or not the expectation should be realised———

His lordship was again called to order by Mr. Bathurst; but there being a general cry that he was about to make a motion, he was allowed to proceed without further interruption.—His lordship spoke at some length, but in so low a tone of voice that it was not possible to hear him in the gallery. He concluded by moving, "That an humble Address be presented to his royal highness the Prince Regent, praying that instructions may be given to the plenipotentiaries at Chatillon, not to conclude any treaty of peace that does not contain an Amnesty to all persons subjects of France, for any offences of a political nature, previous to the signature of peace."

The *Chancellor of the Exchequer* said, that the Address proposed by the noble lord embraced a political question of very great importance. He conceived, that his lordship had gone beyond the usages of the House in bringing forward such a subject without previous notice. He doubted whether the gentlemen on the same side with his lordship were not as much taken by surprise as he was. He would decline discussing a matter of such moment, and thought, that in abstaining from any observations he should best consult the common feeling of the House on the present occasion. In order to get rid of the question of the noble lord, he should simply move the previous question.

The previous question was then put, and carried without a division.

MARQUIS OF WELLINGTON.] On the question of adjournment being put, Mr. *Wynne* rose, and said, he was quite surprised that the day had passed over, without any gentleman on the other side giving notice of a motion of thanks to lord Wellington for his late brilliant victory. Such motions usually came from men in office; but if they did not think proper to give such notice, it might then become the duty of some gentlemen not in office to bring it forward.

Mr. *Bathurst* said, that it did not follow, from no notice of such motion having been given on that night, that it was not the intention of ministers to propose such a motion.

Mr. *Whitbread* said, that this was, he could venture to say, the first time the House had met a single day after news had been received of a great victory, without voting its thanks to the hero who had gained it.

The *Chancellor of the Exchequer* replied, that the hon. gentleman was mistaken; as there were several instances on record of meetings of that House for more than a single day after news of a victory, without voting thanks to the conqueror. However, he would merely hint, that ministers had this particular motive for delay, that they had reason to hope very shortly to hear, from lord Wellington, of another victory, and other events equally brilliant.

Mr. *Whitbread.*—"You mean to club them both, then." [A laugh].—Adjourned.

HOUSE OF COMMONS.

Tuesday, March 22.

Fraud on the Stock Exchange.] The Hon. *Cochrane Johnstone* rose, from a sense of what was due to his own character, and more especially as a member of that House, to contradict certain statements which had appeared in the public prints, implicating him in an imposition that had lately been practised in the money market. For the present, he should content himself with solemnly declaring, that those statements were utterly unfounded; and that he had no hand in, and no knowledge of, the fraudulent transaction in question. It was his intention, in a few days, to publish a statement which would be found fully to confirm the declaration that he now solemnly made to the House.

Colonial Offices.] Mr. *Goulburn* rose to move for leave to bring in a Bill to amend an Act of the 22d of the King, which went to provide that no office in any of the colonies of the united kingdom should be entrusted to any person who had not resided for a specified length of time in the settlement. The provisions of these Acts were very important; yet it had unfortunately happened, that certain abuses had crept in, which rendered these salutary provisions altogether nugatory. One of the chief defects which operated against these Acts was, that the governors and councils of colonies were empowered to grant leave of absence to persons, without limitation of time or other restriction. The object of the Bill which he wished to introduce was, to remedy this and the other defects, by which the provisions of the former Acts were eluded. It was his intention to propose certain restrictions on governors in granting licences to persons holding colonial offices who absented themselves from our colonial possessions; and also to limit the time to which the leave which could be granted by such licences should extend. He also intended that it should be enacted, that annual lists should be laid upon the table of the House, containing the names of those officers of colonies who were absent from the establishments to which they were by their offices attached.

Mr. *Baring* expressed his satisfaction at the measure proposed by the hon. gentleman; but wished to know whether, or not, Gibraltar and Malta were to be within the scope of the Bill.

Mr. *Goulburn* replied, that Gibraltar would; and Malta if it should become a cession to the crown.

Leave was then given; and Mr. Goulburn brought in a Bill to amend an Act of the 22d year of his present Majesty, intituled, "An Act to prevent the granting, in future, any patent office to be exercised in any colony or plantation now or at any time hereafter belonging to the crown of Great Britain for any longer term than during such time as the grantee thereof, or person appointed thereto, shall discharge the duty thereof in person, and behave well therein;" and the same was read the first time, and ordered to be read a second time upon Monday next.

Mr. Charles Grant, jun.] The *Chancellor of the Exchequer* rose to move for a new writ for the borough of Inverness, &c. The right hon. gentleman stated, that his hon. friend (Mr. Charles Grant), having accepted the office of one of the lords of his Majesty's Treasury, had in consequence vacated his seat, and had been re-elected. He had, however, after his second election, neglected to take the oaths out of the House, before the lord steward of the household, his deputy or deputies; and had only taken the oaths at the table of the House; thinking that, owing to his previous election, he might dispense with the first formality. For this, by the provisions of several acts of parliament, he had not only vacated his seat a second time, but had also incurred several penalties; from which, however, he trusted the House, with their usual indulgence, would indemnify him; and it was his intention to introduce a Bill to that effect.

A new writ was ordered for the borough of Inverness, &c.

The Chancellor of the Exchequer then brought up Mr. Grant's Indemnity Bill.

Mr. *Wynne* observed, that no one could possibly have any objection to such a Bill. But the necessity of it, in the present instance, proved still more the propriety of doing away altogether the oaths taken out of the House. He had introduced a Bill to that effect in the last session; but it had been lost elsewhere; owing, as it was stated, to a most unaccountable fear manifested by what was called the Protestant interest, that Roman Catholics might, in the first session of a parliament, introduce themselves into the House, to influence the nomination of a Speaker—[a laugh.]

Mr. Grant's Indemnity Bill was then read a first and second time, and ordered to be committed to-morrow.

HOUSE OF COMMONS.

Wednesday, March 23.

SHIPWRIGHTS OF THE PORT OF LONDON.] Sir *S. Romilly* presented a Petition, signed by two thousand useful artisans, whose business was, that of building ships in the port of London; complaining of an evil, extending not alone to themselves, but to the interests of the country.—The Petition stated, that shipbuilding in the private yards, on the river Thames, had, of late, not only sunk into decay, but had been totally annihilated. As illustrative of this fact, it stated, that there were belonging to different persons, on the banks of the Thames, private yards, in which there were forty-one slips for building ships; and in the whole of these yards, there was but one ship building. That of docks for repairing ships, double and single, there were fifty-one double, and eleven single, and in these there were but eighteen vessels under repair; which circumstances, so injurious to the petitioners and to the country, they stated, was attributable to the arrangements which had been made for building ships in India, whither a great number of the artisans, heretofore employed in England, had been constrained to fly; and those who remained behind were entirely destitute of the means of supporting their numerous families. The prayer of the Petition was, that the House would be pleased not to extend the time for India built ships being admitted to British registers. The Petition, having been brought up, was read, and ordered to lie on the table.

CORRUPTION OF BLOOD.] Sir *S. Romilly* rose, in pursuance of notice, to move for leave to bring in a Bill to take away the corruption of blood, in cases of attainder for high treason and felony. He expressed a hope, that in again bringing forward this subject, which had been so fully discussed in that House during the last session, he should not be accused of improper perseverance. He was apprehensive that the real object of the Bill which he had introduced on a former occasion had not been correctly understood—a circumstance which was perhaps attributable to the imperfect manner in which he had explained himself on moving for leave to bring it in. The Bill, the introduction of which he had now in view, was precisely similar to that presented to the House before. The House would call to their recollection, that, by the law as it at present stood, a man convicted of high treason forfeited all his lands, all his goods and chattels, and all his personal property. With regard to persons attainted of felony, they only forfeited their lands for one year, and all their goods and chattels, and personal effects. The Bill which he should bring in would not at all vary this law; for if it should pass into an Act, persons attainted of the crime of high treason would, as heretofore, forfeit all their lands and property of every description. Whether this was a wise or just law, or not, or whether it was expedient, when the law had removed a man from society, that his property should be confiscated, and a punishment thereby fall on the innocent individuals whom he had left behind, or not, was a matter which had nothing to do with the present Bill. That law would remain as it was, and would not be affected in any way by his Bill. The alteration which he had in contemplation was confined to a part of the ancient law which was peculiar to England, and which did not apply to the other part of this island. He meant that which in cases of attainder was known among lawyers by the term, corruption of blood; the effect of which was, that where a man was attainted of a capital offence, he could not transmit a descent—that was to say, such a person could not form a link by which the chain of a pedigree could be traced: and if an attainted person stood in the way of a pedigree, his descendants, however far removed, would be deprived of the means of establishing their right to lands, to which he, if he were alive, would have had a prior right; and such land would escheat to the lord of the manor of whom the land might be holden. As for instance, if a man had a son and a grandson, and his son should be capitally convicted, if he should die intestate, his grandson would be deprived of the benefit of any real estate of which he might have been possessed; as, in consequence of the attainder of his son, the chain would be broken, and the land would escheat to the lord of the manor; whereby a punishment would be inflicted where punishment was not intended. This law rested upon feudal principles, which were by no means conformable to modern ideas of justice. The punishment rested solely upon accident; for the grandfather might devise his land to his grandson, if he thought proper—and only in case of his neglecting so to do, would his grandson be punished by the confiscation of his property, and its transmission to the lord of the manor. But if this case were considered severe, how much more severe were those cases where the connection was not so immediate, and the relationship more remote? In the case of a twentieth cousin, for instance: there, in tracing a pedigree, if it should be found that one of the direct heirs, however far back, had been convicted of felony, the land would in like manner escheat. And what was apparently still more unjust was, that corruption of blood only extended to personal estate, and did not at all apply to leasehold property. It was of this evil of which he complained; and he was most anxious that such a relick of barbarism should not be found among our laws. It was said, in the course of the discussions which took place on this Bill in the course of the last session, that instances, against the recurrence of which he was desirous of guarding, were not likely to happen. It so happened, however, that at the very moment these assertions were made, an instance had occurred of that very sort; and in a few weeks afterwards it happened to be his fortune, in a professional way, to have that case, which was precisely in point, intrusted to his care. In this case, a woman had been convicted of a murder in Oxfordshire fifty years ago; and the estate to which she would have been entitled had she lived, had passed from one possessor to another, and a valuable consideration had been given for it; yet, notwithstanding the person in possession had paid the full value of the property, information having been given that the property had escheated to the crown, by reason of corruption of blood, an inquisition was instituted, and it was found that the land did in truth belong to the crown, and it was in consequence duly claimed.—An application had, however, been made to the court of Chancery to traverse the inquisition, for the purpose of establishing that the land had not been held of the crown, but of a mesne lord—and this motion having been acceded to, the question would shortly be brought to issue. Having now, he trusted, fully explained his object, he begged to move for leave to bring in a Bill "to take away corruption of blood in cases of attainder for felony and high treason."

The question having been put,

Mr. *Yorke* declared that he must object even to the introduction of such a Bill into parliament. He did perfect justice to the motives of the hon. and learned gentleman in again proposing the measure; and he hoped equal justice would be done to his (Mr. Yorke's) motives in resisting it. He regretted this the more, because he must always be disposed to doubt his own judgment when put in competition with that of the hon. and learned gentleman. He was, however, one of those who thought that a trifling inconvenience was no ground for an innovation on the ancient law of the land. He was sorry to understand that the Bill was the same as that which the House so properly rejected last session; for he had hoped that what had been urged on that occasion would have inclined the hon. and learned gentleman to omit at least that part of the Bill which related to attainder of treason. On that part of the Bill the House had expressed a most decided opinion, and he regretted that the hon. and learned gentleman had not been influenced by it. The law in question was one of the most ancient of the English laws. The law of England was a kind of stock in trade, and parliament ought not to allow it to be deteriorated. Some of our most valuable privileges were of a description, which he would not wish to see altered on the reasoning and on the principles of the hon. and learned gentleman. He begged leave to say, that at the present time the corruption of blood in cases of treason (in whatever times it might have originated, feudal or other) was of the utmost importance to the general discipline and welfare of the state. Lord Hale (an authority which he knew the hon. and learned gentleman deeply venerated) had declared, that treason was the worst crime that could be committed, and that the punishment could not be too severe and dreadful in order to deter from the commission of it. If the law was severe, it was severe because in England, as in all free countries, the temptation to commit treason was comparatively great. It would be too much to take from the state the security afforded by severity of punishment for a crime which involved in it all other crimes. On those grounds he felt it to be his duty not to acquiesce in the motion. The hon. and learned gentleman, of whom he wished to speak with the greatest respect, had from time to time employed his high faculties in the formation of what he considered to be improvements in the criminal code. It was to be regretted, that the hon. and learned gentleman did not at once bring his whole plan before the House, that the whole nature and extent of his views might be clearly exhibited and defined. He did not say this as including matter of accusation against the hon. and learned gentleman; he merely intimated that in his opinion it would be the most convenient mode of proceeding. After quoting several authorities in support of this argument, the right hon. gentleman again declared, that he must decidedly oppose the introduction of the Bill. If it related to attainder for felony alone (except in cases of murder), he confessed that his objections to it would not be so insurmountable; but he would never consent to the first step of a measure which had for its object the destruction of one of the strongest defences of the constitution.

Leave was given to bring in the Bill.

Sir Samuel Romilly afterwards moved for leave to bring in a Bill to alter the punishment of high treason.—Leave given.

HOUSE OF LORDS.

Thursday, March 24.

Thanks to the Marquis of Wellington.] The order of the day having been read,

Earl *Bathurst* said, although he could not anticipate the slightest opposition to the motion he was about to propose, he still thought it right to make an observation, for the purpose of shewing the grounds upon which he called for that testimony of the approbation of the House, conveyed in their thanks, for the eminent service recently performed by the marquis of Wellington. His lordship then adverted to the difficulties which lord Wellington had to encounter, in making good the passage of the Adour, observing that they appeared almost insurmountable. They arose from the width and rapidity of the river, and the incessant rains which had swollen it and all its tributary streams, and rendered all the roads nearly impassable. The only means of passing it was by a bridge of boats; and when it was considered that the river was 400 yards in width, it would at once be seen that the difficulty of crossing it was of no ordinary nature. The bridge of boats, when formed below Bayonne, was in danger from the garrison sending down floating timber, which might destroy it; and to prevent which, as far as possible, recourse was had to a very strong boom and rafts, in order to secure the bridge from any attempt of this kind. In addition to these difficulties, the French army was strongly posted, in number nearly 40,000 men, and commanded by an officer of distinguished talents. The British army was of nearly the same amount. Fortunately, however, the weather cleared up about the middle of the month of February, and continued fair till all our operations were completed. His lordship then described the movements which took place, as mentioned in the Gazette Extraordinary, which led to the battle of Orthes on the 27th ult. and terminated in the defeat of Soult; noticing also the successful exertions, under many difficulties, of rear admiral Penrose, and the officers under him, in at length clearing the bar of the Adour, and the passage of that river above Bayonne by sir John Hope, to the great astonishment of the people of the country, who had conceived it impossible. In the action at Orthes, though many valuable officers unfortunately fell, and were wounded, there were only two of high rank wounded, excepting the wound received by lord Wellington, which, had it been deep or severe, would indeed have clouded the most brilliant victory this country ever gained. One immediate and beneficial result of the battle of Orthes was, the capture of two of the enemy's magazines at Mont Marsan and Aire, which Soult considered of so much importance, that it was believed their preservation was a principal inducement to him to fight that battle. Their possession by our troops was of great importance; as by the setting in again of the rains almost immediately after the action, by which the Adour and its different streams were excessively swollen, they would otherwise have been at a loss for supplies. After his defeat, Soult had the option of either retreating upon Bourdeaux, or leaving the road to that city open. He chose the latter; and lord Wellington having sent sir William Beresford with a detachment to occupy Bourdeaux, they entered the city, and were received with every demonstration of joy by the inhabitants. The occupation of Bourdeaux, in a military point of view (and in no other way did he mean to speak of it at present), was of the greatest importance; it gave our army the command of supplies, of many necessaries, conveniencies, and comforts, which they could not otherwise have procured; and it besides greatly facilitated the communication with this country; an object of essential advantage, as the previous channel of communication had been found, particularly at this season of the year, extremely dangerous, several vessels having been lost in attempting the paasage. Under these circumstances, he could not doubt that the House would vote the Thanks for which he was about to move. He was perfectly ready to admit, that it was not merely a brilliant action that was now entitled to that high honour. Six years ago, when victory appeared a stranger to every standard in Europe except that of France, it became highly expedient to court the first advances to victory on the part of this country; but now a series of splendid successes had not only crowned the British arms, but those of our allies. It certainly was not the mere brilliancy of an action that entitled it to the thanks of the House; as, however our gratitude might be due, that gratitude ought to wait upon our judgment. He was humbly of opinion, however, that in the present case, when the results of this action had been of so much importance, it was one evidently deserving the highly honourable testimonial of the Thanks of that House. His lordship concluded by moving the "Thanks of the House to field marshal the most noble Arthur, marquis of Wellington, K. G. for this additional instance of his consummate ability, experience, and valour."

Earl *Grey* said, he did not rise to offer the slightest opposition to the motion with which the noble earl had concluded; which, on the contrary, had his most cordial and hearty concurrence. He could add nothing to the detail so properly given by the noble earl, and which so clearly established the importance of this last triumph of the illustrious commander whom they were now so justly called upon again to thank. He said the last triumph, because he trusted that the series of splendid successes which had raised the glory of the British arms to a height of renown unknown in any age or country in the annals of history, and the great and brilliant victories of our allies, would be finally crowned by a safe and honourable peace, to which our illustrious commander and the glorious army he had led would have so essentially contributed. He trusted, that the blood which had been so bravely and profusely shed might purchase a peace upon terms consistent with safety and honour, and founded upon just and equitable principles. The noble earl, in speaking of the occupation of Bourdeaux, had very properly confined himself to its importance in a military point of view; and upon that head there could not be a doubt of the essential advantages derived from the possession of that city; not only from the supplies thus afforded to our army, but from the facility given to the communication with this country, which was unquestionably of the greatest importance. Agreeing most cordially with the noble earl in these statements, he also perfectly agreed with him in the propriety of what he had abstained from stating. Other views, it was well known, had got abroad with respect to the occupation of Bourdeaux, and circumstances had been stated which he rejoiced to find formed no part of the speech of the noble earl. With regard to those events, it was not now his intention to ask for any explanation; he left the subject, for the present, to ministers, acting upon that responsibility which belonged to their situations, and which must, undoubtedly, attach to their conduct. The time would come, when all the circumstances connected with these events must be disclosed, and that would be the season for remark. At present, he knew his duty too well to this country, to Europe, and to the world, to embarrass questions which were pregnant with consequences of the utmost importance to the interests of mankind; and to interfere with which, prematurely, might be productive of incalculable evils.

The motion was agreed to, *nem. dis.*; as were also the other usual motions made by earl Bathurst, for thanks to sir Stapleton Cotton and the other officers employed under lord Wellington; acknowledging and approving the services of the non-commissioned officers and soldiers, &c.

HOUSE OF COMMONS.

Thursday, March 24.

Thanks to the Marquis of Wellington, &c.] The *Chancellor of the Exchequer* rose, pursuant to notice, to call the grateful attention of the House to the recent glorious services of the marquis of Wellington, and his brave army. In reverting to the many occasions on which the noble marquis had received the thanks of parliament, it might appear that every topic of panegyric was utterly exhausted. There was scarcely a display of military courage and skill, whether manifested in the open field, in the assault of a fortress, or in that system of persevering vigilance by which the strength of an army actually inferior, was rendered equal in value to that of a force numerically superior, in which lord Wellington had not, for his brilliant success, received the warm and unanimous approbation of his country. It was necessary for him to do little more than point out the distinguishing features of the late gallant achievements. The circumstances of the long contest in the peninsula, and subsequently in France, which lord Wellington had maintained with such increasing fortune, were as various as the qualities and resources of his comprehensive and energetic mind. In order to enable the House justly to estimate the extent of the services lately performed by lord Wellington and his army, it was necessary to recal to their minds the particular nature of the operations by which those services had been preceded. It was well known, that the descent from the Pyrenees into the plains of Languedoc was rugged, and in places almost impracticable, intersected here and there with little winding vallies and rivers, which presented the greatest obstacles to the march of an army. This was particularly the case at what was called the Landes de Bourdeaux. In this romantic and extraordinary country, lord Wellington conceived the great—he would say the sublime idea, of establishing himself from the foot of the Pyrenees to the very banks of the Garonne; and the rains having somewhat abated about the middle of February, the noble marquis moved the right wing of the British army towards the rivers which fell into the Adour. By a change of weather and an unexpected swelling of those rivers, that first movement was frustrated. Lord Wellington then proceeded to move the left wing of his army; but unfavourable circumstances of a similar nature rendered the passage of that wing wholly impracticable. Thus situated, lord Wellington again repaired to the right of the army, and laid the foundation of that decisive victory which he subsequently achieved. After having passed no less than five rivers, under circumstances which reflected the highest credit on the determined perseverance of the troops, the British army and their gallant leader found the French army posted in a very strong position near Orthes, in a country which, as he had before observed, was rendered almost impassable, by the number of winding vallies and obstacles of every description with which it abounded. It might, indeed, be truly said, that the position of Orthes was precisely such a one as the most skilful commander would have chosen as the seat of defensive operations. From this position, however, lord Wellington completely dislodged marshal Soult, one of the most consummate generals of which the emperor of France had to boast, and leading an army of nearly 40,000 men. The enemy were completely dislodged and repulsed with very considerable loss on their part. In the mean time, in conformity to the plan of operations which the genius of our great commander had suggested to him, sir John Hope, on the 24th ult. effected the passage of the Adour above Bayonne, under circumstances of the most extraordinary and interesting description. To the astonishment of the enemy, and even of their own countrymen (accustomed as they had been to witness their heroic deeds), the British sailors boldly passed the bar of that river. Nothing could impede them: one boat after another upset in the tremendous surf of the bar; but at length they accomplished their daring object, and afforded to their no less gallant military countrymen the means of crossing from one bank of the river to the other. Extensive as were these operations, they formed but a part of that plan which lord Wellington had in contemplation, and which stretched even to Bourdeaux. Immediately after the dislodgement of the enemy from Orthes, lord Wellington dispatched a column of troops under sir William Beresford to Bourdeaux, where he was received, as the British army had hitherto been invariably received in France, with the loudest acclamations of joy. For it was a circumstance peculiar to the present contest, and highly creditable to the conduct of the British army, that after every nation on the continent had solicited the aid of British arms against the oppression of France, the British armies were received in that country, not as enemies, but at once as conquerors and friends. He did not conceive that it was necessary for him to occupy the time of the House with repeating sentiments which he was persuaded were cherished in the breast of every hon. gentleman who heard him. He would, therefore, conclude with moving, "That the Thanks of this House be given to Field Marshal the most noble Arthur Marquis of Wellington, for the additional proofs of his consummate ability, experience, and distinguished valour, displayed in the late battle at Orthes on the 27th of February last, and in the operations leading to and immediately connected with that engagement, which terminated in the signal defeat of the enemy, and in the occupation of Bourdeaux by the allied forces."

Mr. *Whitshed Keene* rose to second the motion. Those who looked into the Journals of the House would know that its thanks had repeatedly been given to the duke of Marlborough, whose exploits he compared with those of the subject of the Vote of Thanks which had been moved. He then recapitulated the honours which had been conferred on the duke of Marlborough. In 1702 he first received the thanks of this House; in 1704 he had been presented by queen Anne with the manor of Wotton, and a pension of 5,000*l.* per annum, in consideration of his conduct at the battle of Blenheim. In 1705 and 1706 he had received additional honours, for his exploits during that period. He took the opportunity to comment on the political as well as the military talents of that distinguished ornament of Great Britain at the beginning of the last century. Considering the circumstances which constituted the glory of military achievements, he thought that it would on all sides be agreed that there was no one in the military annals of this empire, whose character outshone that of the subject of the present motion. Although such a step had not yet been taken, he hoped to see ministers come to parliament, and recommend the erection of some such monument to commemorate his exploits, as had been erected to the duke of Marlborough. He hoped, that as the house of Blenheim had been built for the latter in England, such a house would be erected for lord Wellington in Ireland; as he was persuaded that the good effects of such a measure on the people of Ireland would be indescribable. Of this he conceived himself competent to judge, from being a native of Ireland, and having sat 50 years in the House of Commons. Alluding to the flight of Joseph Buonaparté from the battle of Vittoria, he said that his carriage had been taken and brought to England. In it there had been found concealed a number of pictures by the celebrated Spanish artists, Murillio, Velasquez, and others, which belonged to the royal family of Spain. These he thought should be returned to the Spanish government free of all expence; as during the reign of our Charles 1, a similar act of generosity had been performed by the Spanish government on a similar occasion.

Sir *Frederick Flood* said, as an Irishman, and a representative of that country which gloried in the proud birth of the illustrious individual who was the object of the vote of thanks now proposed, he should not be doing justice to those who sent him to that House, if he contented himself with a silent vote on the present occasion. "And, Sir," said the hon. baronet, "if I had a voice" (the increased loudness of his tone removed all dubiety on this subject, and excited a general laugh) "which I could extend even beyond the doors of this House, I would exert every nerve on such a glorious occasion, though it might end in a nervous fever." The country which had given birth to this great hero, had also given birth to a number of other illustrious characters—it could boast of the blood of a Beresford, of the brother of our noble ambassador, (lord Castlereagh), of a Ponsonby, and of a Cole. That *was* a country which could provide such a number of heroes. It had been often said in England, that Ireland was a clog to her; but instead of a clog, it was the best feather in her cap; for it not only produced the best soldiers, but the best captains, at the head of whom was the illustrious object of the present vote of thanks. When he looked around him, he saw many members on both sides of the House, in the first confidential offices of state—(laugh) he should have said, that those who held them were on the one side, and those who did not hold them were on the other. When he looked into the other House of Parliament, he saw the same thing. Was not that a country of which a man ought to be proud, and a country to court a connection with? It did not only send them men, but it sent them also linen, grain, cattle, butter, and beef. This was indeed a country for one to be proud of, and the people of it ought to be fostered. Government ought to extend the arm of its protection to the natives of such a country. There never was a period in history when the achievements recorded exceeded the benefits which this country had derived from that great man, lord Wellington.—Talk of an Alexander, a Cæsar, and a Hannibal, (laugh) can those history-books boast of any general who did any thing to be compared with the object of this vote of thanks? He had said last session, that in the same manner as Blenheim-house had been erected for the duke of Marlborough, there should be a —— —— (here the hon. baronet hesitated some time) Wellington-house built for lord Wellington. (Laugh.)—Ireland had already contributed 15,000*l.* for the erection of a testimonial of the merit of that great man; but there should also be a Wellington-house in Ireland—aye, not only in Ireland, but in Scotland also, and in Wales. (Laugh.)

Lord *Kirkwall* said, however highly lord Wellington might appreciate the thanks of the House, yet he believed the highest gratification he could receive would be the exertions made at home to second the objects which he was endeavouring to accomplish; for on those exertions it depended, whether his operations should be crowned with success. On them alone depended the tranquillity of Europe.

The motion was then put, and carried, *nem. con.* as were also the following:

"That the thanks of this House be given to lieutenant generals sir Stapleton Cotton, sir Rowland Hill, sir William Carr Beresford, sir Thomas Picton, the hon. sir Galbraith Lowry Cole, the hon. sir William Stewart, and sir Henry Clinton, knights of the Bath, to major generals Charles Baron Alten, Henry Fane, William Anson, George Townshend Walker, sir George Murray, K. B. James Kempt, the hon. sir Edward M. Pakenham, K. B., William Henry Pringle, Edward Barnes, William Inglis, John Byng, Thomas Brisbane, Denis Pack, lord Edward Somerset, Robert Ross, John Lambert, and to the several other officers serving under the command of field marshal the marquis of Wellington, for their able and distinguished conduct throughout the operations which concluded with the entire defeat of the enemy at Orthes on the 27th of February last, and the occupation of Bourdeaux by the allied forces.

"That this House doth highly acknowledge and approve the zeal, courage, and discipline, manifested by the non-commissioned officers and private soldiers of his Majesty's forces serving under the command of field marshal the marquis of Wellington, in the operations which concluded with the entire defeat of the enemy at Orthes on the 27th of February last.

"That this House doth highly acknowledge the zeal and continued exertions manifested by the general officers, officers, non-commissioned officers, and private soldiers, of the Portuguese army serving under the command of field marshal the marquis of Wellington in the battle at Orthes, on the 27th of last month, and in the operations immediately leading to that engagement, in which the enemy's forces were completely defeated.

"That this House doth highly acknowledge the meritorious exertion and good conduct of the general officers, officers, non-commissioned officers, and private soldiers, of such part of the Spanish forces serving under the command of field marshal the marquis of Wellington, as were employed in co-operating in the movements which immediately led to the entire defeat of the enemy at Orthes on the 27th of February last."

Ordered, That Mr. Speaker do communicate the said resolutions to field marshal the marquis of Wellington; and that he be requested by Mr. Speaker to signify the same to major generals Charles baron Alten, William Anson, George Townshend Walker, sir George Murray, James Kempt, the hon. sir Edward M. Pakenham, Edward Barnes, William Inglis, John Byng, Thomas Brisbane, Denis Pack, Robert Ross, and John Lambert; and to the several officers and corps of the allied armies serving under his command.

NON-RESIDENT CLERGY.] Mr. *B. Bathurst* rose, in pursuance of notice, to move for leave to bring in a Bill to stay prosecutions and actions commenced against spiritual persons for penalties under the 43d of the King. The right hon. gentleman repeated those observations which he had made on a former occasion, on the great hardships to which the persons against whom these actions had been instituted had been exposed. He remarked also, that in most cases where the parties had laid themselves open to the operations of the Act, their offence consisted more in neglecting to apply for licences to the bishops of their diocese, than in any actual inattention to those duties, the performance of which the Act of the 43d of the King was meant to enforce. In illustrating this proposition, he referred to a list of persons against whom actions had been commenced by Mr. Wright, in the diocese of the bishop of London. These persons in number amounted to 92; and of the whole of them two only were without a rational excuse for the offences imputed to them, which were those of non-residence, and a neglect to obtain licences for such non-residence from their bishop. In some cases the informer had laboured under a mistake altogether, as the incumbents had actually resided constantly on their livings; in others, where there were two preferments, they had invariably resided on one of them; and the only charge to be brought against them was, that of not having notified on which they had resided to the bishop; while a third class had resided in their parishes, although not in the vicarage, either from the want of a house, or from the dilapidated state of the dwelling which their livings afforded. The persons, in strictness, became amenable to the provisions of the Act in question; and many of them, if the penalties were enforced, would be utterly ruined. In one case, the actions for penalties brought against a single individual, if pursued to judgment, would amount to 15,816*l.* and yet this person had never resided out of one or other of his livings. In another case, penalties to the amount of 450*l.* had been sought to be recovered from a gentleman, the value of whose living was but 75*l.* per annum; and who, in the simplicity of his heart, had written to him (Mr. Bathurst), declaring, that it had never come to his knowledge that such an Act was in existence. He was far from wishing that House to interfere with the fair operations of the law; but here were cases of extreme hardship, in which the Act was made to do that which had never been intended by the legislature. He thought the course proper to be pursued was, to suffer the parties, against whom these proceedings had been instituted, to make those applications now to the bishop of their diocese, which, from neglect or inadvertency, they had omitted to make before. This was the object of the Bill which he proposed to bring in. The bishop would have to exercise his judgment on the applications made now, for licences for non-residence; as he would have done had they been made at the proper time; and he would exercise his judgment under additional responsibility, knowing that his conduct would be closely watched by an active informer, who, from the situation he had filled, and other circumstances, would be perfectly acquainted with the cases on which he decided. Under this responsibility, his judgment would now be as fairly exercised as it would have been before—he thought more so. In cases where a licence was refused, the parties should be liable to an action—an action being held to lie where a licence was not produced. For the informer, where the law was on his side, however hard the case of the parties against whom the actions were brought, he must have his costs. He hoped the House would not object to the Bill that he proposed to bring in. The Act of this session, suspending the proceedings against the clergy, expired on the 20th of April. As there might not be a proper opportunity for discussing the subject by that time, he intended to move for leave to bring in a Bill, to extend the provisions of that Act for a month longer. The right hon. gentleman concluded by moving for leave to bring in a Bill, "to discontinue the proceedings on certain actions already commenced, and to prevent vexatious actions, under the 43d of the King."

Mr. *Whitbread* was sorry that the learned civilian with whom the Bill originated, under which these prosecutions had been commenced, had left the House this day. He could have hoped from him some explanation, which might have been an apology for the House having passed an Act which had produced effects so diametrically opposite to those which were expected from it. But as the learned member for the University of Oxford had thought proper thus to leave them, it was fitting for those who were present to state what occurred to them on this subject. Some few years ago, the Bill under which these prosecutions were instituted was prepared by a learned gentleman of great talents, who took the business out of the hands of a county member, to secure the clergy from prosecutions under certain Acts of Henry the 8th. This Bill was passed by the Commons, sent by them to the Lords, and passed there also; and now that it had been in operation eleven years, another Bill was to be brought in, to save persons from being ruined by penalties under this Act, whose conduct, it should seem, had been not only innocent, but meritorious. Those who remembered the proceedings on that Bill, and who heard the speeches then delivered, must be struck with what they had heard that day.—At that time it was contended, that every thing ought to be done to induce informers to come forward. For this purpose, it was thought right that the whole of the penalties should go to the informers. It was then said to be desirable that every encouragement should be given to them; they were not then held up to reproach as noxious persons; but the moment an informer came forward, certain that he was right according to law, the House was first called upon to suspend the proceedings which had been instituted against the clergy; secondly, to continue that suspension; thirdly, to crush the prosecutions; and fourthly, they would be called upon to alter the law. One instance had come to his knowledge, of a clergyman in the diocese of Norwich, who had performed the duty of two churches between thirty and forty years, and in all that time had not been absent so many days. Nevertheless, he was now prosecuted for penalties, which, if the law were enforced, must send him to a jail. This was a case which called for relief; and where there were difficulties in deciding between both ways, he should be disposed to raise his voice in favour of giving it. But the right hon. gentleman had said, of 92 cases in the diocese of London, there were but two that were ambiguous, and these he could not pronounce against: in stating this, he proved too much. If such were the fact, they ought to do honour to the clergy,—admit that the legislature had acted under a wrong impression,—that restrictions were unnecessary, and that all they had heard of their being absent from their parishes, and neglecting their parochial duties, must be unfounded. He would rather entertain the Bill, however, than suffer the unfortunate persons affected by these prosecutions to be utterly ruined. This would be acknowledging the former Act of the House to be one which ought not to have passed; he hoped the right hon. gentleman who brought in that Bill would assist in framing a new one, and in this he wished him better success than he had with the last.

Mr. *Preston* spoke shortly in favour of the Bill.

Mr. *Wetherall* censured some of the provisions of the Act under which the prosecutions were commenced. They attached punishment not to the offence which they were intended to guard against, but to the simple fact of non-residence under any circumstances. In the whole penal code, he thought no other instance could be found, where the punishment was made consequent on the omission of a form, and not on the commission of a crime. Whoever its author was, he hoped he would co-operate to do away provisions which were proved to be bad, and enact those which might do good.

Mr. *C. W. Wynne* thought it hard for the informer, when he called for what he was entitled to by law, that the House should step in, to prevent his recovering the penalties. In a case of such extreme difficulty, he could have wished that each petition had been referred to a committee, where a counter-statement or petition could have been made or put in by the informer.

Mr. *Bathurst*, in reply, said, it was not a new case, that a law should not exactly answer the purpose for which it was framed, or that it should be perverted in its application. He thought the process recommended by the hon. gentleman (Mr. Wynne) one that it would have been very improper to adopt; as, had this been done, the informer might have gained any information he needed, and frequently ascertained whether he could support his action or not. The hon. gentleman (Mr. Whitbread) seemed to think he had proved too much. He had fairly stated, that of 92 cases, there were but two that appeared without excuse: but, granting that against ten or twelve more a good flaw could be found, where such a disparity as 70 to 20 appeared, he thought the interference of parliament was called for. They were not the worst cases that Mr. Wright looked for. Those where the parties were *least culpable* would suit his purpose quite as well. He might even prefer going to a clergyman, who had no vicarage house, and say to him at once, "You have no proper residence—you are living in your own house, and I will bring an action against you." It was such cases as these that Mr. Wright might think he could best turn to his own emolument. With respect to what had been said of the learned gentleman who brought the former Bill into the House, he had to say that he did not take it out of the hands of a county member. The House, after trying their hand at it, had thought him most competent to the task; and at their desire it was that he took it upon himself.

Mr. C. W. Wynne explained.

Leave was given to bring in the Bill; which was shortly after brought in by Mr. Bathurst, read a first time, and ordered to be read a second time on Thursday.

He also brought in a Bill to continue the Suspension Act of last year. It was read a first time, and ordered to be read a second time to-morrow.

HOUSE OF COMMONS.

Friday, March 25.

Election Laws in Ireland.] Sir *F. Flood* rose to give notice of a Bill of a very important nature, for which it was his intention soon to move. United as Great Britain and Ireland now were, it was desirable to assimilate the law of the two countries. He believed that such was the opinion of every member who heard him; for no one could deny that—

The *Speaker* requested the hon. member not to enter into any argument, but to confine himself to a simple notice.

Sir *F. Flood* then added, that the object of his Bill would be, to limit the continuance of the poll during election contests in Ireland, in the same way as it was now done in this country. He could not name the precise day on which he would bring forward the subject; but it would not be until after the recess, as until after that period the presence could not be expected of many members from the sister country, whose assistance in the measure would be indispensable. There had been a recent instance, in the election for the county of Mayo, of the ill effects attendant upon the existing unlimited duration of election contests; the result of which was, inevitably, not only to injure the parties immediately engaged in them, but to disturb and harass the whole country; besides—

The Speaker again called the hon. baronet to order, and sir F. Flood sat down.

Corruption of Blood, and Punishment of High Treason.] Sir S. Romilly brought in his Bills for taking away the corruption of blood consequent on attainder for felony and treason; and, for altering the punishment of high treason. They were read a first time, and ordered to be read a second time on Monday the 18th April.

Clergy Penalties Bill.] This Bill was read a second time. On the motion (by Mr. Bathurst) that it be committed,

Sir *W. Scott* wished to be allowed to say a few words in reply to some remarks which he understood had fallen yesterday from the hon. member for Bedford, on his (sir W. Scott's) absence from the House. The fact was, that he did not think it likely that any discussion could arise in that stage of the Bill. If he had foreseen the possibility of such an occurrence, he would have spared the hon. gentleman the performance of that part of his public duty. There were other insinuations which the hon. member for Bedford had chosen to throw out with respect to him; and one was, that he had taken the Bill out of the hands of a worthy and hon. gentleman. He confessed that he thought his character and conduct in that House would have saved him from such an imputation. The fact was, that the Bill introduced by that hon. person (for whom he had the highest respect, and whom he met on terms of great intimacy) had for its sole object to relieve the clergy from prosecutions under the Act of Henry 8. That hon. person expressed a disinclination to render his measure a prospective one, and it was on that account he (sir W. Scott) had adopted it. He could assure the hon. member, that he had not contemplated the task without feelings of the greatest dismay, knowing the difficulties which attended it, and which arose, not only from the nature of the subject, but from the contending opinions of those who were interested in it. In proceeding with the undertaking, he was not disappointed in his expectation of strong opposition—an opposition so strong, as to induce him in many instances to adopt the views of others, although they were extremely repugnant to his own judgment. Without meaning to disclaim his own share of the measure, he could assure the hon. gentleman that the Bill did contain clauses, not less in hostility to his own opinions, than they could possibly be to those of the hon. gentleman himself. But the matter had been reduced to a question of discretion; and it had remained for him to determine only, whether to proceed with the Bill so altered, or to expose the clergy to the prosecutions pending against them. When he said this, however, he did entertain a hope that the inconveniencies which the clergy might experience from some parts of the Bill, might be balanced and remedied by the securities afforded them in the other parts. He understood that the hon. member had intimated that he (sir W. Scott) had chaunted the praises of the Bill. He was certain that neither the hon. member nor any other person had heard him do so, either in public or in private. The responsibility for the regulations which the Bill might contain when passed into a law rested, not with the individual by whom it was proposed, but with the legislature by whom it was ultimately established.

Mr. *Whitbread* expressed his regret that the hon. and learned gentleman should have felt any uneasiness in consequence of what had fallen from him yesterday. If the hon. and learned gentleman had been absent yesterday on private business, or on an emergency, and intended to be present at all the other stages of the measure, then he also regretted that he had made the observations which he had made in the hon. and learned gentleman's absence. But if by those observations he had awakened the slumbering attention of the hon. and learned gentleman to the subject, he was persuaded that he had done a great public service. In saying that the hon. and learned gentleman had taken the Bill out of the hands of the late member for Somersetshire, he by no means meant any improper imputation. For the performance of that which a private man found impracticable, the hon. and learned gentleman was then, as now, selected. The hon. and learned gentleman admitted that he had always conceived the task a difficult one, and that he still found it so. He even allowed, that he had been compelled to introduce clauses into the Bill which he himself considered objectionable. Whether, however, any objectionable or ambiguous clauses were or were not the propositions of the hon. and learned gentleman, he was equally bound to come down and afford to the House the assistance of his great learning and abilities, in order that, to the evils which were dreaded, as adequate a remedy as possible should be provided. Another reason why he expected the presence of the hon. and learned gentleman in every stage of the measure was, that if the Bill should be carried into operation, and all the clergymen subjected to the penalties, and to be pursued by the informers as the Bill authorised, there had never existed a situation or circumstances in which the church establishment had been so much endangered by the certain degradation and ruin of a large portion of the inferior clergy. As on other occasions when the hon. and learned gentleman thought the church in danger, and he (Mr. W.) thought it was not, the hon. and learned gentleman did not fail to attend and to speak to the question; so on this occasion when the church was in real danger, and many of its members exposed to the horror of being dragged to a prison, he conceived the attendance and exertions of the hon. and learned gentleman peculiarly desirable. There was an open field for the exercise of the hon. and learned gentleman's talents and attainments, and he could not do a more eminent public service than by occupying it. Every day the grossest hardships among the clergy were to be met with, either in print, in manuscript, or orally. It appeared, if the statements of the clergymen were true, that Mr. Wright had entrapped some of them into a situation of difficulty for which there was no remedy; and had threatened, unless they compromised with him for a large sum of money, to take such measures as must ruin them for life. He denied that he had ever said, that the hon. and learned gentleman had "chaunted" the praises of the Bill; and repeated his regret, that what he had yesterday felt it to be his duty to observe, had given the hon. and learned gentleman so much uneasiness.

The Bill was then ordered to be committed on Monday.

COMMITTEE OF SUPPLY.] On the motion of the Chancellor of the Exchequer, the House went into a Committee of Supply.

The *Chancellor of the Exchequer* rose, in pursuance of his notice, to propose that there should be granted an additional two millions, on account of the army extraordinaries; making, with three millions formerly granted, the sum of five millions. This sum was much beneath what would be required for the service of the current year. The sums voted for the service of last year amounted to nine millions; and the sums required this year would not certainly be less. This grant, he hoped, would not now be opposed; as opportunities would afterwards arise for discussion, when ministers should find it necessary to come again before parliament.

Mr. *Tierney* could not help lamenting that a necessity should exist for bringing forward the present demand, as it was placing the House in a very awkward situation. The House had now met, after two long adjournments. When the first adjournment was proposed by his Majesty's ministers, it was unanimously agreed to. They had previously obtained from the House, grants to the extent of not less than 35 millions.—When the House again met, they were called upon by his royal highness the Prince Regent, without any assigned reason, to adjourn for another long period. And now, when they were again met, without being informed of the present state of affairs, or what had been done with the sums which the House had entrusted to the management of his Majesty's ministers, they were called on for other two millions. If this matter could be postponed for a few days, till the House should know what had been done with the sums already voted, it would be to him personally agreeable; for the present grant would be nothing less than giving his sanction to the prosecution of the war, without knowing the principles on which that war was carried on—whether those which were avowed at the opening of the present session were still adhered to, or whether a different system had been adopted. This was making the House the mere pack-horse of the Treasury. He wished, therefore, this matter could be postponed for some time longer, till it should be convenient for his Majesty's ministers to give the information he desired. He should otherwise be recognizing that the 35 millions had been properly spent, and giving his consent to the expenditure of an additional two millions.

The *Chancellor of the Exchequer* said, if it was unpleasant to the House to grant such large sums of money, without being supplied with the information which was now demanded by the right hon. gentleman, it was much more unpleasant to those who came forward to ask the House to repose a confidence in them to such an extent. The right hon. gentleman had led the House into an error, in stating that the grants already made amounted to the sum of 35 millions. In this sum would be included the sums voted for the service of the Navy and Exchequer bills. [No, said Mr. Tierney.] The right hon. gentleman would, he believed, find it hard otherwise to make up his 35 millions.

Mr. *Tierney* said, the right hon. gentleman would find, if he put together all the sums which had been voted for the service of the army and navy, they would amount to no less than what he had stated. Would the right hon. gentleman say, that the sums already granted had all been applied in the way appointed to be done by the House? He did not wish at present to provoke any debate. He had to repeat, that 35 millions had already been voted in supply, without taking into account the sum voted to pay Exchequer bills. The right hon. gentleman had stated one thing, at which, he confessed, he was rather surprised; that it was more painful for him to ask money, than for the Commons to grant it. He could not but confess that that was something new. When the former sums had been granted, he knew the principles which were then professed by his Majesty's government; but he did not know what views might have been since taken. He wished, therefore, that the right hon. gentleman would postpone this grant till it should be convenient to come before the House, and explain the system upon which the war was to be conducted during the rest of the year.

The *Chancellor of the Exchequer* observed, that if he had had 35 millions voted, without any controul as to its particular application, there would have been no necessity for coming forward at present to ask this sum. No minister of the crown could apply to the service of the army money which had been expressly voted for the service of the navy, or *vice versa*.

Mr. *Tierney* asked, if he was to understand, that no money which was voted for one service could be afterwards applied to another, and at a future period repaid?

The *Chancellor of the Exchequer* said, that no great branch of the supply could be so applied.

Mr. *Huskisson* said, the servants of the crown had never been considered as at liberty to take the navy money for army services, or the money voted for the army for the service of the navy. In point of fact, however, no money had last year been applied for, on account of the army extraordinaries, till a much later period than this. It would have been more becoming, perhaps, to have asked a farther grant on account of the ordinary services of the army, and to have applied part of it to the extraordinary services.

The question was then put, that two millions should be granted for the extraordinary services of the army for 1814.—Agreed to.

Other sums were thereafter voted, which will be accurately detailed on the bringing up of the report.

HOUSE OF COMMONS.

Monday, March 28.

EXCHEQUER BILLS.] In a Committee of Supply, it was resolved on a motion of the Chancellor of the Exchequer, that a sum not exceeding 1,900,000*l.* be granted for discharging interest on Exchequer Bills; and that 290,000*l.* for Exchequer Bills, and 10,000*l.* for Debentures, (making in all 300,000*l.*), be paid to the Bank of England, on account of the Commissioners for the reduction of the National Debt.

COLONIAL OFFICES BILL.] The second reading of this Bill being moved,

Mr. *Browne* said, though unaware of the necessity of this Bill, or that the regulations proposed by it would render the principle of the Act of the 22nd of the King more secure and operative, he was very unwilling to oppose a Bill that merely professed to compel personal discharge of official duty; convinced as he was of the necessity, and the highly beneficial consequences of that policy. But this Bill appeared to have other objects in view, or to effect other objects, though possibly not intended; and therefore he could not refrain from saying a few words. The Act of the 22nd of the King was not merely unexceptionably beneficial, but it was substantial and sufficient for its purpose. The violation of it was not owing to want of regulation, but to want of firmness in his Majesty's government; not, however, in the present administration, but former ones. The violations were not merely connived at, but devised, by the appointment of certain persons to high official situations in the colonies, who, at the time they were so appointed, were never intended to discharge the duties of their situations. He did not mean to involve the individuals so appointed in any blame. They were men of character and talent, eminently suited for any public situation, and he had so much respect for them; that he would not even make the allusion if it would hurt their feelings. But though they were justified in accepting, those who gave them those places violated the Act, and compromised the interests of the colonies to their own necessities and desires. If they had acted with a sincere intention to carry the Act into effect, and had recalled a governor who had abused the power of granting leave, such a step would have been a greater check to any deviations from the Act than all the regulations in the world; but he chiefly objected to the last clause of the Act, which, by legalizing the appointments so illegally made, or made contrary to the spirit of the Act of the 22nd, placed the legislature in a situation of inconsistency. He dwelt upon the effect of this clause, as intending to cover the violations of the former Act; and concluded with a hope, that, if it was so intended, parliament, in justice to the immortal statesman (the late Mr. Burke) from whose profound knowledge and pure system of moral duty the Bill proceeded, would not countenance the means of evading that system of improvement which it was the object of his heart to effect; and in the accomplishment of which he had raised a lasting and imperishable claim on the affections and the gratitude of his country.

Mr. *Goulburn* begged to inform the hon. gentleman, that he was mistaken in supposing colonial appointments to have been made in defiance of the Act. They were usually granted not by patent, but by commission. This might be called an evasion, but he thought it hardly deserved such a character. Whatever might be thought on this subject, he apprehended the hon. gentleman could not wish to complain of this Bill, because it went to make evasion impossible. The provision objected to in the last clause was supported by the authority of Mr. Burke himself; as he, when regulating patent offices, had thought it unfit to touch existing interests. On the same principle he, in bringing in this Bill, had thought those whose services had been rewarded by appointments under warrant or commission, ought not to be disturbed. It was proper to be stated, that the noble lord presiding over the colonial department had not granted an appointment by patent without enforcing the clause of residence.

Mr. *Creevey* did not think the present Bill a suitable remedy for the grievance complained of; which was, that persons residing here held situations in the colonies of great emolument and trust, while they had others to do all the duty for them. The principle upon which the House ought to go was, to save to the public the money thrown away upon duties thus discharged. The precedent that he would take for any act of this kind was the 22nd of his present Majesty. He would put one case which occurred since the passing of this Act. He would ask, whether the place granted to sir Evan Nepean was a patent place, or one granted by commission? It was a place which brought in 2,500*l*. a year.—If he had it by patent, it was a violation of the 22nd of the King, that he should be allowed to hold it, as he did, without personal attendance. The vendue master of Malta was, he believed, also a patent place, and the duties of it were not performed by the person who held it. Mr. John King was naval master of Jamaica, with a salary of 1,600*l*. a year. He was appointed in 1796. Was this, he would ask, a patent place, or one granted by commission? This was a direct violation of the 22nd of his Majesty. But these were not the only persons who held places in the colonies, the duties of which they did not discharge. Lord Braybrook, and the Messrs. Windhams, held places in Jamaica for 52 years, which they never filled—one was provost-marshal, the other two were secretaries. If, indeed, they had been sent over at two years of age, when they obtained the places, there was every reason to believe that the duties could not be well performed; they would be much better executed by deputy.—He did not complain of the manner in which the duties of those places were performed: what he complained of was, that such places should be at all allowed to exist. The truth was, that the House passed an Act last session, by which such offices as were filled by deputy were abolished. The persons holding them should be compelled to resign, and not to reside.

Mr. *Marryatt* approved of the Bill. He thought the House and the country ought to be obliged to the hon. gentleman (Mr. Goulburn) who brought it forward.

Mr. *Stephen* should not think he performed his duty if he did not rise to second what had been said by the hon. gentleman (Mr. Marryatt). The Bill would, he was convinced, tend to raise the character of the resident white inhabitants of the colonies. Even in this view it was important. With respect to what had been thrown out relative to the manner of granting such places, it could not apply to the noble lord now at the head of the colonial department. His principle of conduct while he held that situation, was, to withhold his patronage from all places in the colonies, except upon the condition of residence. This he could assert upon his own knowledge. He would not admit, that every appointment in the colonies, since the passing of the Act alluded to, was illegal without the condition of residence. If the law applied to the particular cases, there was no possible way of evading it; and if the hon. gentleman (Mr. Browne) knew of any places given contrary to the law, it was his duty to declare the abuse, and to endeavour to punish such as were guilty of it. The 22nd of the King related only to patent places; it had no reference to such as were granted by commission. Nor did he think with the hon. gentleman opposite (Mr. Creevey), that persons holding their places by commission should be deprived of them. They were vested rights. As to personal responsibility in the colonies, it was a perishable commodity. It would be unjust thus to take such rights away. The Bill did not touch upon existing rights.

Mr. *Baring* thought it was impossible to look at the conduct of the administration, without seeing that there was a gross violation of the letter of the law with respect to the colonies. He should be much better pleased if it were a Bill to regulate offices abroad generally.

Mr. *Whitbread* would trouble the House with a very few words, in consequence of what had fallen from the hon. gentleman (Mr. Stephen.)—When persons were in possession of patent offices, their rights were certainly reserved in cases of this kind; but he must protest against the doctrine delivered by the hon. gentleman (Mr. Stephen), that those were vested rights which were never considered such. The Bill, he said, did not interfere with vested rights; but places granted by commission were not vested. This was the first time he heard vested rights extended so far. If the honourable gentleman spoke thus through mistake, he was glad that he afforded him this opportunity of correcting himself; but he must protest against the doctrine, particularly as the last clause of this Bill was involved in it. He willingly joined in the praises of the noble lord at the head of the colonies, for putting a clause of residence in the grant of colonial offices. It was said, that personal responsibility was a perishable commodity in the colonies. It would appear, that they took all means of avoiding it; for they only sent out the grafts, and kept the stock at home. But if they went out there, he could not see any means of their avoiding responsibility. If sir Evan Nepean, for example, filled his place there personally, and not by deputy, what means could he have of avoiding responsibility? The Bill ought to be watched in the committee; and if the hon. gentleman (Mr. Goulburn) *bonâ fide* intended the Bill for good purposes, he deserved commendation and support.

Mr. *Stephen* rose to explain. He could not, he said, but consider it as a violation of justice to deprive a man, without cause, of an office granted even by commission. He held an office granted, not by patent, but for life, or during good behaviour; yet he should think it unjust to be deprived of it without cause. What a person held for life, he considered as an interest vested in him. It was in that sense he used the expressions alluded to.

Mr. *Whitbread* said, he was glad the hon. gentleman had been so explicit, as the House had an opportunity of forming a judgment of the nature of his situation. Notwithstanding the disadvantages of his office, however, he apprehended it would be as difficult to get him out of it, as his friends had found it to get him in.

The Bill was then read a second time, and ordered to be committed on Thursday.

REPORT FROM THE COMMITTEE OF SUPPLY.] Mr. *Brogden* reported from the Committee of Supply, the following Resolutions, which were read, and agreed to by the House:

1. Resolved, That a sum, not exceeding two millions, be granted to his Majesty, on account of the extraordinary services of the army of Great Britain and Ireland, for the year 1814.

2. That a sum, not exceeding two millions, be granted to his Majesty, on account, for defraying the charge of the commissary in chief's department, for the year 1814, exclusive of any purchases of specie.

3. That a sum, not exceeding 36,882*l.* 14*s.* 5*d.* be granted to his Majesty, for paying off and discharging, on the 5th day of April 1814, certain annuities granted by two Acts of the 37th and 42d years of his present Majesty; and that the said sum be issued and paid without any fee or other deduction whatsoever.

4. That a sum, not exceeding 1,673*l.* 17*s.* be granted to his Majesty, for the relief of the poor French refugee clergy, for the year 1814; and that the said sum be issued and paid without any fee or other deduction whatsoever.

5. That a sum, not exceeding 4,500*l.* be granted to his Majesty, for the relief of the poor French refugee laity, for the year 1814; and that the said sum be issued and paid without any fee or other deduction whatsoever.

6. That a sum, not exceeding 5,376*l.* 9*s.* 1*d.* be granted to his Majesty, towards making good the deficiency of the grant of 1813, for defraying the expence of printing bills, reports, and other papers, by order of the House of Commons during the last session.

7. That a sum, not exceeding 93,594*l.* 1*s.* 8*d.* be granted to his Majesty, to defray the expence attending the confining, maintaining, and employing convicts at home, for the year 1814.

8. That a sum, not exceeding 1,978*l.* 6*s.* 9*d.* be granted to his Majesty, to make good the deficiency of the grant of 1813, for defraying the extraordinary expences incurred for prosecutions relating to the coin of this kingdom.

9. That a sum, not exceeding 1,987*l.* 18*s.* 2*d.* be granted to his Majesty, to de-

fray the charge incurred in April 1813, in the purchase of grain and potatoes conveyed to the Shetland Islands for the relief of the distressed inhabitants there; and that the said sum be issued and paid without any fee or other deduction whatsoever.

10. That a sum, not exceeding 5,092*l.* 4*s.* be granted to his Majesty, to discharge, in the year 1814, the arrears due to the several tradesmen for works done at the Houses of Parliament and the Speaker's house, from Michaelmas 1800 to the 5th day of January 1812; and that the said sum be issued and paid without any fee or other deduction whatsoever.

11. That a sum, not exceeding 10,000*l.* be granted to his Majesty, for carrying on, in the year 1814, the improvements of Holyhead harbour; and that the said sum be issued and paid without any fee or other deduction whatsoever.

12. That a sum, not exceeding 39,780*l.* be granted to his Majesty, to pay one year's interest to the 10th day of October 1814, on the sum raised by debentures in pursuance of two Acts of the 53d year of his present Majesty, for granting annuities to satisfy certain Exchequer bills, and for raising money by debentures, for the service of Great Britain; and that the said sum be issued and paid without any fee or other deduction whatsoever.

13. That a sum, not exceeding 1,500*l.* be granted to his Majesty, to be applied by the society called The Refuge for the Destitute in support of that institution; and that the said sum be issued and paid without any fee or other deduction whatsoever.

CLERGY RESIDENCE BILL.] Mr. *Bathurst* moved the order of the day, for the House resolving into a committee on this Bill. In making this motion, he begged to state to the House, that in consequence of what he had said on a former occasion, when he moved for leave to bring in a Bill for the permanent relief of the clergy, he had received a letter from the attorney of the informer, Mr. Wright; in which he was accused of having, in the statements which he then made, prejudiced Mr. Wright's interests. The part of his speech which seemed to have given most offence was, that in which he stated, that an action had been brought against one gentleman for penalties which amounted to 15,816*l.* this gentleman having, in fact, invariably resided on one or other of the livings which he happened to hold. Mr. Wright's attorney stated, that this observation, although true in fact, was not true in substance; for, notwithstanding the law required that the damages should be laid at that sum, nominally, the real sum sought to be recovered was but 3,683*l.* subject to deductions, which would, no doubt, be made to a considerable extent. In the whole of this gentleman's correction, however, he had not attempted to refute the real essence of the observations which had been made; which was, that the person against whom the action had been commenced, had, in truth, invariably resided on one or other of his livings, and had only been guilty of neglecting to notify to his bishop on which he had resided. Whether the sum was 15,816*l.* or 3,683*l.* was a matter of no importance.

The Bill was then committed, and the report ordered to be received to-morrow.

STATE OF GAOLS IN LONDON AND SOUTHWARK.] Mr. *Eden* rose, in pursuance of notice, to move for the appointment of a committee to inquire into the state of the gaol of Newgate, and the Poultry, Giltspur street, Ludgate and Borough compters; and to report their observations thereupon, together with any improvement which may be practicable therein: in doing which he observed, that after what had been said on this subject on a former occasion, he did not think it necessary now to make any remarks whatever.

The question having been put,

Mr. Alderman *Atkins* expressed his surprise that the hon. gentleman had not assigned some reason for this motion. He was aware, that when the subject was last before the House, the gaols in question were in a very crowded state, both the debtors and felons being extremely numerous.—Since that period, however, another gaol, in which the city proposed to place all the debtors, had been building, and was now in a very forward state. His Majesty's ministers too had taken every means in their power to thin the crowd with which Newgate had been filled, by removing to another situation all those convicts who had received judgment. This being the case, and every necessary precaution having in fact been taken to remedy the evils complained of, he could have hoped that the hon. gentleman would not, by the motion which he had made, have conveyed an indirect censure on the magistracy of London.

Mr. Alderman *C. Smith* also expressed his surprise that the hon. gentleman should have introduced his motion without giving some reason to the House, which would justify them in adopting his proposition.

Mr. *Eden* said, he could have no difficulty in assigning a reason for his motion. The papers, for which he had moved some time ago, contained a catalogue of the grievances under which the prisons to which he alluded laboured. From these it appeared, that the women were without clothing, and frequently without bedding; and it further appeared, that the whole of the gaols were crowded to an extent truly uncomfortable. Since that period he had himself visited those prisons, and found full scope for the humane interposition of the legislature. He found that great neglect had subsisted in the management of those receptacles of the unfortunate, and more particularly in a prison in another place, he meant that in the Borough; beyond this he did not think it necessary to state. He had no wish whatever to cast any reflection upon the magistrates of the city of London; nor did he apprehend that any reflection on them could be conveyed by his motion. Indeed, when he first introduced the subject to the consideration of the House, the gentlemen who represented the city gave their most hearty acquiescence to the investigation he sought. Why they were now disposed to secede from that acquiescence he was at a loss to imagine.

Sir *William Curtis* was far from wishing to shrink from the enquiry proposed; convinced, as he was, that the conduct of the magistracy of the city of London, and of the persons connected with the gaols alluded to, would, on investigation, prove highly creditable to themselves. The gaols, it was true, had been crowded in a manner extremely inconvenient to the unhappy persons who were confined; but every means had been taken to lessen that hardship; and the moment the sheriffs heard that the females were without clothing and bedding, they entered into a contract for the procuration of every thing that was necessary.—(Mr. Whitbread here cried, "Aye!")—The hon. gentleman might say aye! but the fact was so; and he defied any person to say that neglect or inattention was imputable to any of the persons under whom the prisoners in question had been placed.

Sir *J. Shaw* said, that he for one acquiesced in the motion, but he could have wished the hon. gentleman had postponed bringing it forward till the magistrates of London had matured the plan which they had in view for remedying the evils complained of. It was in their contemplation to build a new prison for debtors, by which Newgate and Ludgate would be much relieved from the inconveniency they had lately laboured under from the great numbers confined in them. It was their intention also to make such arrangements as should prevent in future the recurrence of such distresses as had been lately experienced. These arrangements were next to be submitted to the consideration of the lord chancellor, the two chief justices, and the lord chief baron of the Exchequer; and from the wisdom of their united judgment, little doubt could be entertained but the evils complained of would be effectually done away. He repeated, therefore, that it would have been better if the hon. gentleman had not been so pressing in bringing forward his motion.

Mr. *Whitbread* expressed his surprise that the worthy aldermen should have found fault with his hon. friend for having brought forward the present motion; especially as it appeared from their own declarations, that not one of them meant to oppose it. He was still more surprised that while they seemed convinced that no blame whatever was imputable to the magistrates of London, they should appear to feel so sore at what his hon. friend had said. His hon. friend had moved for a paper which when produced rendered it still more incumbent on him, in his own mind, to take a personal view of the gaol; and in so doing he had found it more particularly his duty to put the subject into a train of inquiry. Nothing could be more candid and liberal than the mode in which his hon. friend had proceeded. He had abstained from giving any opinion on the subject, and contented himself with barely moving for a committee to make enquiry into the case, and to report their opinion to the House. The hon. baronet, who spoke last, had wished that the motion should have been postponed till the magistrates of London had matured the plan upon which it was their intention to act. He (Mr. W.) differed from the hon. baronet on that head: he, for his own part, would rather be inclined to look into things as they were, than to wait for the intentions of any set of men whatever. Where evils existed, they could not too soon be removed; he thought, therefore, his hon. friend had acted most prudently in not permitting any further delay to take place.

The question was then agreed to, and the committee appointed; of which the four city members were to form a part, and five to be a quorum.

HOUSE OF LORDS.

Tuesday, March 29.

The royal assent was given by commission to Mr. Grant's Indemnity Bill, and two others. The commissioners were, the Lord Chancellor, earl Cholmondeley and lord Walsingham.

HOUSE OF COMMONS.

Tuesday, March 29.

Colonial Appointments.] Mr. *Creevey* rose to move for copies of all letters patent, commissions, or other instruments, in virtue of which appointments had been made in his Majesty's West India colonies, and at Malta and Surinam. In doing this he did not expect to meet with any opposition. He should shortly put the House in possession of his object: which arose out of a Bill already under consideration, and coincided precisely with the 22d of the King, enacted in 1782, and which ordered, that all holders of patent places in the West Indies, granted after the passing of that Act, should become resident. The operation of this law was not made retrospective, as it would have borne with undue severity on the possessors of pre-existing places. There were now in his Majesty's colonies, comprehending those acquired by war, 100 offices. Out of these, 90 had been granted since the passing of the Act which required personal residence; and yet it was a fact, that not one of the 90 holders of these places resided in the colony in which his appointment lay! he said nothing of the 10 who held their offices before the passing of the Act, as theirs was a case reserved; neither did he wish to deprive them of their places, as they had now enjoyed them for so many years, without any complaint from the inhabitants of the colonies; but when their interest in those offices should expire, he wished the state to take the profits arising from them, and to transfer them into the consolidated fund. But he wished to interfere with the places granted since 1782. If patent places, then their holders should reside in the West Indies; and if not patent, then they were removeable at his Majesty's pleasure, or might be compelled to become resident. He should prefer, however, that the House should abolish those situations, and turn their profits to the service of the state. He could have wished to have known the hon. and learned master in Chancery's (Mr. Stephens') further views on that subject. Of those which that hon. and learned gentleman had lately expressed, he much disapproved. In defence of the pretended vested right in places granted by commission, the duties of which were fulfilled by deputies, that hon. and learned member had instanced an officer in the army. But the comparison was most unfortunate; for if an officer in the army had acted as the holder of West India offices, and when the war broke out, and his regiment was ordered on foreign service, he remained at home, would not the crown take away his commission from him, and give it to another who should perform its duties? Even the learned master in Chancery himself, if he should go to another country, and never come near his office, would he think himself duly intitled to continue in the receipt of its profits? The first object, however, which the papers he now moved for would enable him to attain, would be, the ascertaining whether the offices in question were really patent places or not. On this knowledge further proceedings might be founded. As those papers would be very numerous, he had made a selection, confining himself to certain offices in certain colonies.

He then moved, "That an humble Address be presented to his royal highness the Prince Regent, that he will be graciously pleased to give directions that there be laid before this House, Copies of all letters patent, commissions, or other instruments, under and by virtue of which the several appointments in his Majesty's colonies hereafter mentioned have been made; viz. the right hon. sir Evan Nepean, bart. as clerk of the crown and peace in the island of Jamaica, and as chief clerk of the supreme court in the same island; John King as naval officer of the same island; sir Thomas Capel as secretary, registrar, and receiver general of Berbice; John Augustus Sullivan, as secretary, registrar, and receiver of Demerara; Charles Greville as naval officer of Demerara and Essequibo; Charles Greville as secretary, registrar, and clerk of the council of the island of Tobago; lord George Seymour as naval officer of St.

Croix, and as harbour master of the same; Adam Gordon as cranage master and gauger of the island of St. Croix; sir Walter James, bart. as vendue master of Surinam; sir James Athol Wood as vendue master of Curaçoa; the hon. Morton Eden as vendue master of Demerara and Essequibo; and Robert Richard Wood as vendue master of the island of Malta."

Mr. *Goulburn* wished to correct an error into which the hon. gentleman had fallen, through want of sufficient intimacy with West India affairs. He seemed to imagine, that a saving to the state would arise from the confiscations he proposed; whereas, in fact, no money saved by the suppression of offices could be transferred into the consolidated fund, unless the hon. gentleman should succeed in persuading the assemblies which governed the several islands to vote that money exactly in the manner he wished. He certainly did not pretend to know what their sentiments would be on that subject; but he was well aware, that those assemblies had always been found very unwilling to admit any external interference in their domestic concerns.

Mr. *Creevey* explained. His great object was to abolish those offices; as they were places of patronage in the hands of the crown, and instruments of corruption.

Mr. *Grant* wished the consideration of the Colonial Bill to be put off till Thursday, when these returns might be made.

The motion was then put and agreed to, and an Address ordered to be presented to the Prince Regent, for the production of the papers.

Elections Expence Bill.] Mr. *Douglas* rose, in pursuance of notice, to move for leave to bring in a Bill for the more effectually preventing charge and expence in the elections of members to serve in parliament. The hon. member, in a tone of voice scarcely audible in the gallery, proceeded to explain the nature of the measure he was about to introduce. His object was, to restrict, or rather to prevent, the payment of their expences to what were called out-voters, not resident in the borough when the election took place. He thought that some apology was in the first instance necessary for having ventured to undertake a subject of such great importance to all classes of the community—It not unfrequently happened, that while the older and more experienced members of parliament were fully employed upon questions of political economy that affected the immediate interests of the state, younger and less able hands were in a situation to propose some alteration in less obvious and momentous, though not ultimately less important subjects of legislation. From particular circumstances that it was unnecessary to detail, his attention had been particularly directed to the question now before the House; and from his connection with individuals for whose judgment he entertained high respect, he had been able to procure opinions of considerable value, which, he hoped he might add, would have no little influence on the House itself. Ill-fitted as he was to accomplish the task, he had devoted his utmost attention to perform it; and he could not avoid taking this opportunity of expressing his gratitude to many gentlemen with whom he had communicated, for the facilities they had afforded him; for the assistance they had given him, by their opinions and advice; and by the indulgence they had shewn to his comparative incapacity, which had emboldened him to endeavour to become the organ of this amendment of the law. There was one objection which would be likely to indispose many from giving him their aid in the accomplishment of his design; he meant the unwillingness that they felt to innovate upon established practices.—All speculative rashness in the pursuit of some doubtful good, or in the correction of some glimmering of abuse, he was most anxious to disclaim: such an imputation could not be laid to his charge; but there was a species of reform, which was often the very opposite to innovation: grounded upon old and established principles, it proceeded with caution, never venturing to move without calculating upon the consequences, whether it would tend more to renovate the old and excellent system, or to encourage and augment the corruptions which had crept into it. Such a reform must, of necessity, be accompanied by the good wishes and assistance of all friends to good order. It was no insignificant undertaking, thus early in his political life, to commence the reformation of the House of Commons, although he certainly was no advocate for what was vulgarly understood by the words Parliamentary Reform. By the improvement he was about to suggest he was in hopes of securing many important advantages, without incurring the danger that must necessarily attend the sweeping reforms countenanced by some other members. In bringing this question under the notice of parliament it would be his duty, first, to prove the existence of the abuse he proposed to remedy; and then to state that remedy, and to shew that it would be effectual. The hon. member then noticed the proceedings of parliament on former occasions in the repeal, and virtual repeal, of some of the laws relating to the expences of elections. He referred also to the increase of the internal commerce of the country, and to the enlargement of the metropolis, and of the trading towns of the empire, which prevented any danger of rendering the number of electors too limited, by excluding the out-voters: it seldom, however, happened during a general election, that the scale was not in some instances turned by the weight of the out-voters, brought in by the members, frequently at enormous and ruinous charges. He was aware that he was now touching upon the most plausible and popular objection to his plan; since it would be urged, that he was virtually, if not openly, disfranchising a number of electors: if this were the fact, this plan would never have been proposed by him, or have received his vote if suggested by another. The truth was, that such a suspicion was founded upon exaggeration: he then proceeded to refer to the question, whether in fact the out-vote, when procured, was worth the expence at which it was necessarily obtained; but whichever way it was directed, it could not counterbalance the attainment of a great ultimate advantage. There was another much more serious grievance, existing by custom, and not by the constitution, originating in the electors, viz.—that the represented had no opportunity of looking round and selecting the representative who they thought would be most likely to guard and maintain their interests. It was not necessary for him to state any instances of this kind, since every general election supplied them; there were many cases likewise where whole families had been reduced to poverty by vain attempts to obtain a seat in parliament which the ancestor had held, and to which ancestor the House was frequently indebted for much of its present consequence and dignity. It was impossible, as the House would see, to open the doors of parliament to some individuals, without excluding others; but those who would be principally shut out by his Bill would be those to whom parliament was generally least indebted. He did not wish to retain those individuals, who, to use a trivial phrase, might be said to form the ready money interest of the country, who by means of their influence, or by the length of their purses, procured seats in the House. The hon. member then, in an almost inaudible voice, directed the attention of the House to the former statute made upon this subject, and to the previous resolution of parliament, that no elector for his expences should be allowed more than the sum of 10*l.* This resolution had been always evaded, and the result was the passing of the Act he had referred to. If terms were ever unequivocal, those employed in that statute must be so considered: the title was "An Act to prevent charge and expence in the Election of Members of Parliament," nearly similar to that which he had adopted. It was there stated as fully and clearly as possible, that the payment of any part of the expences of any elector shall be unlawful; and it was utterly impossible that in such a Bill exceptions should be included which would defeat the very object that the measure had in view. In the year 1783, when lord Mahon presented a Bill containing the same or similar provisions, it was rejected, chiefly on the authority of lord Mansfield; and that great authority opposed it solely on the ground, that the law, as it then stood, without this addition, was adequate to the purpose. So confirmed was he in this opinion, that he objected to a clause proposed respecting the mere conveyance of the voters, because he said it might lead to endless corruption. This decision was strengthened by the opinion of lord chief justice Eyre, in a case which he decided upon this important subject. The same judgment had been given by eminent lawyers wherever the question was brought before them, but the determinations of committees of the House had not been conformable to it. The first committee before whom the point was in issue, was in the case of the Worcester Election in 1775; where it was decided, that to pay a reasonable sum for the expences of out-voters was not bribery. The next cause was that of Mr. Cater; where it was contended, that the most palpable bribery had been committed, under colour of defraying needful charges. Another case still stronger, was that of Barnstaple. The consequence of this discrepancy was, that an opinion now generally prevailed, though directly in the teeth of the positive enactment, that the payment of expences was legal. This notion had been acted upon at every general election; and as it was possible that many elections might take place before a court of law could decide again upon the point, it was fit that an enactment should pass the House of Commons, to set the subject in a distinct and indubitable point of view. This sentiment had been entertained by many persons who had at previous times taken in hand this subject: lord Mahon, who, in consequence of it, brought in his Bill in 1783, carried it through the lower House. The next attempt to regulate and restrict this practice, was made by an hon. friend of his, in 1807, in whose hands he wished the present measure; but that was a declaratory measure, while the one he (Mr. Douglas) suggested was an enacting Bill: his friend's plan extended to counties as well as to boroughs; yet, in considering this question, although he (Mr. D.) deemed it equally illegal to pay the expences of voters at county elections, if it could be avoided, yet several reasons had induced him not to include that subject in the measure he now proposed. He did not think himself justified in interfering with the rights of freeholders who might be resident on their estates in distant parts of the county, and who had besides such sort of establishment there, as generally not to be influenced so much by corrupt motives. Having thus endeavoured to prove the policy and necessity of this measure, he should say little more than to express his surprise how it was possible that many individuals, who were inclined to support the Acts against treating, could disapprove, as he had heard they did, of the Bill he wished to introduce. The other statutes were passed to prevent charges upon the member, and influence upon the voter; and why should they not second this attempt to render them more effectual? Did they imagine that this new law would infringe the privileges of electors? but, however sacred they might hold them, they could not allow those privileges, falsely so called, to destroy and corrupt the great sources of the liberty of the nation. Do they think that the representation would be more free and unbiassed by the payment of the electors? if so, they ought to be the enemies to all kinds of restrictions on bribery. This measure only carried a little further a principle which had been often recognized. When his Bill should be before the House, and the provisions were known and duly appreciated, he did not despair of the support even of the decided enemies of the treating Acts. The great object he proposed to himself was, the removal of the uncertainty that at present existed—and certainty being the main end of all civil policy, he should feel it his duty, if he was defeated in this attempt, to follow the victorious steps of some distinguished leader, who, rather than leave the subject dubious and vague, as at present, would bring in a Bill to declare the payment of expences to out-voters necessary and legal. He concluded by moving for permission to bring in a Bill, for the more effectually preventing charge and expence in the elections of members to serve in parliament.

The question was put and carried; and Mr. Douglas, Mr. Tierney, and Mr. Rose, were appointed to prepare and bring in the Bill. The nomination of the latter gentleman to assist in a reform in parliament, excited a general laugh.

Petition of Mr. St. John Priest.] Mr. Whitbread presented a Petition of St. John Priest, clerk, master of the endowed school at Scarning, in Norfolk, rector of Reepham cum Kerdiston, in the said county, and vicar of Parham, with Hacheston annexed, in the county of Suffolk; stating the particulars of his case; and setting forth, that the petitioner has been summoned to appear in the court of Common Pleas to answer to Mr. William Wright, who sues for penalties said to be due from the petitioner on account of non-residence upon either of his livings aforesaid in the years 1812 and 1813, and incurred by the Act of 43 Geo. 3, c. 84; and praying for relief.

The *Speaker* reprobated the manner in which many petitions were presented, with the whole undigested mass of letters and affidavits on which they were founded, instead of an abstract of the whole.

Mr. Whitbread explained.

Mr. *Bathurst* was aware, that there were many cases full as hard as those which he had already mentioned, or as the present. He described that of a clergyman who had a house in the country; and on applying to take a licence to go there, received a letter, stating that it was not necessary. Yet Mr. Wright had returned him among the non-residents.

Mr. *C. W. Wynne* adhered to the maxim, that we should not take advantage of our being in the wrong. Those who had incurred the penalty could not certainly bring that as a reason why they should be excused paying the costs: neither, if brought, ought it to be admitted.

Mr. *Preston* was ready, for one, to introduce some clause into the Bill now pending, by which the prosecuted parties should be empowered to bring their case before a jury, and to produce the evidence required. If they were found guilty of pardonable neglect only, then they might be relieved from the payment both of the penalty and of the costs.

Mr. *Manners Sutton* thought this would only add to the difficulty. In that case, the law expences of the trial would fall on the individual; and he very much doubted, whether they might not prove heavier than the costs, which he would originally, though perhaps unjustly, have had to pay.

The Petition was then ordered to lie on the table.

MAYO PETITION.] Mr. Wetherall presented a Petition from the petitioners against the return from the county of Mayo; praying that the time for receiving the recognizances appointed to be entered into should be enlarged.

The *Speaker* stated, that this was a Petition from certain individuals in the county of Mayo, praying to be allowed to lay before the House facts verified on oath, to shew cause why their time should be enlarged for entering into the recognizances demanded from them. The Act said, that such indulgence could not be granted unless it should appear to that House, by facts stated and verified upon oath, "That the applicants were entitled to it." This was exactly what the present petitioners wished to do. They offered to state facts to the House, verified by affidavits. As far as he could recollect, the House was not in the habit of receiving affidavits, taken out of doors, unless some member should be at hand to give a proper explanation, or the parties should be called to the bar to be examined.

Mr. *Bathurst* thought that, although not exactly consistent with practice, it would be hard not to take the oath of the petitioners, but to examine them at the bar of the House. If that course were adopted, it could not be known where it would stop.

Mr. *C. W. Wynne* thought an examination at the bar of the House the most proper course.

Mr. *Bankes* said, the House would be departing from the course adopted in cases relating to the expences of their own members. If the evidence on oath were of that kind that on the face of it no suspicion could arise, then he should say that to receive affidavits would be complying with the sense of the act of parliament. He thought there were many and grave reasons for the House not departing from their usual practice.

The *Speaker* stated, that the same words occured in the Election Act of the 12th of the King, relating to excuses from members on account of sickness. The House had always, however, received evidence at their bar. The petition might be suffered to lie on the table; and the House on a subsequent day could come to a determination on the course to be adopted with respect to it.

Afer a few words from Mr. Wetherall and Mr. Bankes, the petition was ordered to lie on the table.

Mr. Wetherall presented a petition of the same import from the freeholders of the county of Mayo, which was also ordered to lie on the table.

REPORT FROM THE COMMITTEE OF SUPPLY.] Mr. Brogden reported from the Committee of Supply the following Resolutions, which were read, and agreed to by the House:

1. Resolved, That a sum, not exceeding 1,900,000*l.* be granted to his Majesty, for discharging interest on Exchequer bills.

2. That a sum, not exceeding 290,000*l.* being the one hundredth part of the sum of 29,000,000*l.* of Exchequer bills, authorized in the last session of parliament to be issued and charged upon the aids granted in the present session, and a further sum of 10,000*l.* in respect of certain debentures issued by virtue of two Acts of the last session of parliament, be granted to his Majesty; and that the said sums, making together the sum of 300,000*l.* be issued and paid, by equal quarterly payments, to the governor and company of the Bank of England, to be by them placed to the account of the commissioners for the reduction of the national debt, for the year ending the 1st day of February 1815.

HOUSE OF COMMONS.

Wednesday, March 30.

The Clergy Penalty Suspension Bill was read a third time and passed, under the title of "An Act to continue, until the 20th day of May 1814, an Act passed in this session of parliament, intituled, 'An Act to stay, until the 20th day of April 1814, proceedings in actions under an Act passed in the 43d year of his present Majesty, to amend the laws relating to spiritual persons.'"

Hackney Poor Bill.] Mr. Mellish moved the second reading of the Hackney Poor Bill.

Mr. *Wrottesley* said, this Bill contained a clause, the principle of which had often before been reprobated. He certainly thought some reason ought to be given, why such a clause was necessary in the parish of Hackney. He did not, however, mean at present to oppose the second reading.

Mr. *Rose* supported the Bill.

Mr. *Byng* said, if the parish of Hackney did not make out as good a case as those parishes which had obtained similar Acts, he should certainly oppose it.

Sir *Egerton Brydges,* though desirous not to oppose a measure of this nature, could not approve of the clause in question.

Mr. *Mellish* was ready to agree, that unless the House should be convinced of the necessity for the existence of the clause in question in the Bill, it ought not to be supported. But he could not see why the parish of Hackney, which was in a similar situation with the 16 or 17 adjoining parishes, all of which had obtained Acts containing clauses of the nature of that now objected to, should be put on a different footing from its neighbours.

Sir *Samuel Romilly* wished the hon. member to inform the House, what there was peculiar in the parish of Hackney, that the inhabitants should not be subject to the same laws which prevailed throughout the other parishes of the kingdom. The hon. gentleman had said that similar enactments had been obtained in the 16 or 17 adjacent parishes. This might be the case, but how did it affect the parish of Hackney? He was not desirous of dividing the House; but he thought it was incumbent on those, who brought forward a Bill so injurious to the lower orders of people, to show what was peculiar in this parish which required so particular a law. There were 10,000 parishes in this kingdom; and by introducing in this manner, one law for one parish, and another for a different parish, the greatest confusion and uncertainty would prevail throughout the country. These Poor Bills were in general passed in silence. The House would be astonished were they to know all the Bills which they had passed. They were not aware of the laws which they had made for particular parishes. It might be right to make the landlord pay the poor's rates, and to place him under the necessity of recovering again from his tenants; but if such a measure were necessary, why confine it to the parish of Hackney, and not extend it throughout the kingdom? There was not a parish throughout the country, which did not contain persons of the peculiar decription alluded to in this Bill; and there was no reason why the same law ought not to prevail in all those other parishes as in this. But the House would have an opportunity of considering this question more fully after the recess, and the general sense of the House might then be taken. He thought, therefore, the second reading of this Bill should be put off till the first Thursday after the recess.

Mr. *Wrottesley* observed, that when he spoke before, he did not know that a Bill had been framed according to a report before the House.

Mr. *Mellish* wished the learned gentleman (sir S. Romilly) to give his attendance in the committee, when the clause objected to should be introduced. The delay required might be of great detriment to the parish of Hackney. In answer to what had been urged respecting the necessity for the clause, he could say that 1,880*l.* could only be collected from 4,760 houses. This Bill was brought in by petitioners who paid 26,000*l.* of poor's rates; another Bill was to be brought in by a part of the parish that paid a much smaller proportion; and if the delay proposed should take place, the second Bill would have the precedence.

After a few words from Mr. Wetherall, sir S. Romilly, and Mr. Rose, the House divided:

For the second reading 37; Against it 36; Majority in favour of the second reading 1.

The Speech of Mr. Speaker.] Mr. *Cartwright,* seeing a right hon. gentleman in his place, begged to be informed what day had been fixed upon by the noble lord his friend (Morpeth,) for the motion respecting the late Address of the Speaker at the bar of the House of Lords.

Mr. *Ponsonby* replied, that Friday the 22d of April had been chosen; as it was supposed that by that day the sitting of the various quarter sessions would be concluded.

Mr. *Cartwright* was of opinion, that many members could not be returned and in their places by that early day. He apprehended too, that any notice for a call of the House for the 22d of April would be shorter than custom required.

Mr. *Ponsonby* replied, that more than three weeks notice would be allowed; and he knew that from particular circumstances it would not be convenient to his noble friend to fix a later day for his motion. The Monday succeeding would be the furthest possible postponement.

Mr. *Cartwright* remarked, that adjournments had recently been made for the convenience of the attendance of the Irish members; and he hoped that this slight accommodation to the general wish of country members would not be resisted.

Mr. *Ponsonby* denied that adjournments had at any time been made solely for the convenience of the Irish members. He saw no adequate reason for postponing the subject beyond the 22d of April.

Mr. *Cartwright* moved that the House should be called over on the 22d of April.

Mr. *Ponsonby* begged to be allowed to second the motion, since it met with his entire concurrence.

Mr. *Bankes* thought that the House ought not to be left in the dark as to the shape in which this important question would be brought before it; nor ought the distinguished individual who was the subject of it to be taken by surprise.

Mr. *Ponsonby*. I beg to take the liberty of saying, that not only is there no disposition to take the distinguished individual, whose speech is to be the subject of discussion, by surprise; but that no question can easily come before this House which would take the hon. member in question by surprise.

Mr. *Bankes* answered, that no member of the House, in a question of a personal nature like the present, ought to be taken by surprise. He also begged to take the liberty of saying, that the situation of things, in which the high individual in question was now placed, had never occurred, and would never have been permitted to have occurred, with regard to any other person.

Mr. *Tierney* felt himself called upon to state, that he knew it to be the intention of his noble friend (lord Morpeth) to communicate to the Speaker, personally, the nature of the motion he intended to submit, a sufficient time before the 22d April, to enable him to meet it in any way that he might deem expedient. But was it ever heard, until this night, that the House was previously to be put in possession of the terms of the motion? A notice had been given, that Mr. Speaker's speech, on a certain occasion, would be taken into consideration on a certain day, and the Speaker be informed in due time of the nature of the motion: this was all that in candour or courtesy could be required, and all that had ever been done.

Mr. *Bathurst* maintained, that it was by no means unusual to state to the House the nature of a motion which was to be made on a day a fortnight or more subsequent. He begged to ask whether a single instance could be produced where a question of privilege had been hung up like the present? He required to be informed also, whether there ever was a case before, where, after a delay so long, the individual who was to introduce the subject had not made up his mind upon the precise nature of the motion he would submit to the House? It was not yet known what sort of complaint was to be made against the speech of the right hon. gentleman. The noble lord had not yet determined what his motion should be: was he not resolved upon the general bearing and effect of it? The House ought not to be satisfied with a guess at the terms of a motion on so important a subject.

Mr. *C. Wynne* observed, that the whole of this dispute arose from the novel and unconstitutional doctrine which had of late years been introduced, that it was necessary to give a notice before a motion was made. There was no parliamentary rule for any such proceedings; it was an innovation destructive of the privileges of members, and ought to be abolished. The original reason for giving a notice was, to collect a sufficient attendance on the day the subject was to be discussed; but it was entirely at the option of the individual, whether he would or would not give it. If it was contended that the House had a right to expect it, he distinctly and expressly denied it. He protested warmly against the system of catechising and requiring the exact words of a motion to be made on a subsequent day. If, when the motion was introduced, time was wanted for considering it, if the member refused to postpone it, the House had then the power to adjourn the consideration of it to a future day; but it had no power to controul a member in making a motion at any time he thought it expedient, without previous communication.

The *Chancellor of the Exchequer.* The House should recollect that the character of an individual occupying the most distinguished place in this House, is involved in the motion proposed to be made on a future day. No doubt, the noble lord and his friends have, before this time, made their determination upon the form of the motion they will adopt. This, I apprehend, is the first time that any member has been allowed to bring forward a personal charge. [The word 'allowed' was echoed from many parts of the House, and considerable confusion was created by the employment of it by Mr. Vansittart.]

Mr. *C. Wynne.* Mr. Speaker, I rise to order. Surely this House will not endure to be told, that a member is not to be 'allowed' to make any motion at any time he thinks proper. (Hear, hear, hear!)—It is the right, the undoubted right, of every member, and I call the right hon. gentleman to order.

The *Chancellor of the Exchequer.* If it be the right of any member, the House will take care that no motion is brought forward and decided without due deliberation. It is true, that the House has the remedy in its own hands, by adjourning the subject; but it may not be prudent to compel the House to exert its right in this respect.

Mr. *Whitbread.* When the right hon. gentleman talks of 'allowing' members to bring forward motions, he seems to forget that it is the undisputed right of any member even to bring forward an impeachment, and to lay it upon the table, without notice, (Hear, hear!)—If any thing could deter my noble friend from doing that which courtesy only requires, it would be the employment of such a term as 'allowed'. Were I placed in the situation of the noble lord, it would operate strongly upon my mind not to do even the courtesy of communicating my motion, lest it should in future be construed into a duty (hear, hear!). Even with regard to the very individual now in the chair, it is not unprecedented to make a motion without the notice of a moment, at the conclusion of a debate. It will be in the recollection of the House, that only a few sessions ago, when an imputation was supposed to have been cast upon the Speaker, an hon. gentleman, then secretary of state, without notice, on the very evening that the imputation was cast, submitted to the House a complimentary proposition upon the subject. It is true, that the motion of my noble friend will be rather of an opposite nature; but the same reasoning applies; and it might have been argued then, with as much reason as the contrary is contended now, that the House should be put in possession of the precise words in which the vote of commendation of the Chair was couched. I protest against any such practice; and were I the noble lord, I would not communicate my motion even to the Speaker, one day earlier, but perhaps some days later, in consequence of this attempt to draw out the very terms of the motion. When the hon. gentleman (Mr. Cartwright) talked of previous adjournments, did he mean to say that they were made merely for the convenience of the Irish members? It is impossible. A noble viscount (Castlereagh) now absent took part in the discussions on those occasions: his manner was not very similar to the tone employed by his representatives to-day; and I lament that they have not now the benefit of his assistance; if they had, they would never have been so unwise as to take the high ground they have assumed on this occasion; from which they have been tumbled, partly by their own weakness, and incapacity to maintain themselves any where; and partly by the slippery and untenable nature of the ground on which they ventured to tread.

Mr. *Wallace* said, that his right hon. friend (Mr. Vansittart) did not mean to say, that a member should not be allowed to make a motion, but that the House would never permit such a subject to be discussed without due deliberation. It was not a question, whether a member should be allowed to exert his privileges. He knew the noble lord (Morpeth) too well, to think he would do any thing inconsistent with the most honourable conduct.

Mr. *Ponsonby,* without deciding what the right hon. gentleman meant by the employment of the offensive word 'allow,' expressed his conviction that his noble friend would do nothing that was inconsistent with due courtesy; but, even to the Speaker, he did not know that courtesy would require that the identical words of the intended motion should be communicated, until it was announced to the whole House. As to the general nature and import of it, he put it to any member, whether he could say upon his honour that he did not know generally what was the nature of the motion to be proposed on the 22nd of April. No man of common sense could be ignorant that it was rather disapproving than approving the address of the Speaker. If he had had it in his power then to read the motion, he would not, after what had been said, indulge the curiosity of the other side of the House.

Mr. *Courtenay* said, that he, for one, was really very ignorant of the nature of the motion of the noble lord. It might be for a supposed breach of privilege, or misconduct in the exercise of a privilege; or one or both of them. It was of considerable importance, in his view, that the House should be informed more particularly upon the subject.

The *Chancellor of the Exchequer.* What I said has been so misrepresented, that it becomes necessary for me to give some explanation. I meant to take a distinction between a notice and a charge: notices are, I admit, undoubtedly in all cases mere matters of courtesy; but I apprehend that a personal charge was never discussed on the very day. I allow that any member has a right to lay an impeachment upon the table without any notice; but the House has never, I apprehend, proceeded to investigate the accusation immediately and without deliberation.

Sir *John Newport* contended, that the whole object of the other side of the House had been answered by putting the members in possession of the speech from authority, by printing it. No further object could be attained by publishing the precise terms of the motion intended to be made.

The question was then put; and it was ordered that the House should be called over on Friday, the 22d of April.

HOUSE OF COMMONS.

Thursday, March 31.

PETITION RESPECTING EAST INDIA BUILT SHIPS.] A Petition of several agents to owners of ships and vessels built in the territories of his Majesty situated in the East Indies, was presented and read; setting forth, that the petitioners have ever maintained the right to have these ships registered, and that right has never been denied when the documents required by law could be produced; and that, by an Act passed in the 26th year of his present Majesty, it was enacted, that ships should be registered by certain officers therein named, which, by reason of India being under the immediate management and controul of the East India Company, did not there exist, and the registers have consequently been made in the port of London, to the great loss and inconvenience of the owners, and which will be experienced in a still greater degree now that the trade is open to all British subjects; and that the petitioners are informed several ship-builders on the river Thames, desirous of establishing a monopoly, have made representations to the House, with a view to exclude ships built in the British territories in the East Indies from their just and undoubted right of registry; and praying, that the House will take the premises into consideration, and establish such provision for registering these ships in India, and declaring their lawful privileges, as the House may think just; and that the petitioners may be heard, by their counsel, at the bar of the House, in support of these rights.

Ordered, That the said Petition do lie upon the table.

PETITION FOR LEAVE TO PRESENT A PETITION FOR LONDON NEW STREET.] The House being informed, That the sheriffs of the city of London attended at the door, they were called in; and at the bar presented to the House, a Petition of the lord mayor, aldermen, and commons of the city of London in common council assembled:—and then they withdrew.

And the said petition was read; setting forth, that a principal avenue of communication between the city of London and the great north road, by Saint Martin's-le-Grand, is much too narrow for the increased trade and population of the metropolis, and very incommodious and dangerous to passengers; and that the widening and improving the said avenue, and making proper communications therewith, and also widening Foster lane contiguous thereto, would be of public utility; and that the Post-office at London is very confined, and inconvenient for the transaction of the extensive business of that branch of the revenue, and the scite between St. Martin's-le-Grand and Foster lane aforesaid is a very desirable situation, where commodious buildings might be erected for the inland, foreign, and two-penny post departments; and the whole business of that great and important national concern conducted with facility and convenience to the public; and that the consent of the lords commissioners of his Majesty's treasury to the said improvement, and providing a situation for a general post office as before-mentioned, could not be obtained till long since the time fixed by the House for receiving petitions for private Bills had elapsed; and praying, that leave may be given to present a Petition for leave to bring in a Bill for the purposes aforesaid.—Leave given.

GOLD COIN BILL.] The *Chancellor of the Exchequer* moved the second reading of the Gold Coin Bill. He observed, that having stated the nature and object of the measure on a former occasion, he should not trouble the House with many explanations; but he could not help observing, that its object was, to prevent the gold coin of the realm from being sold at a price beyond its nominal value. Hitherto every breach of the law on this subject had been pursued under the Bill, and occasioned by the Bill itself; but in future, although it were not possible to prevent offences, they might be diminished; as the intent of the Bill was not so much the punishment of crime, as the deterring from its commission by the fear of the penalty.

Lord *Folkestone* did not expect that what he could say would have any influence; but he could not help repeating, that all the experience as to the operation of the Bill fully justified the theoretical views which had before its enactment been exhibited on the subject. It appeared from the prosecutions in pursuance of the Act, that the offences had been committed by persons entrapped by the informers: it had not, therefore, been effective to the prevention of crime, but had created an offence for the sake of punishing it.

Sir *John Newport* said, he was certain that a Bill of this nature could not exist without producing serious effects on the country. Much had been said of the good effects that would result from it in its former shape; not any of which had appeared. On the contrary, the evil went on; and his right hon. friend opposite was perfectly non-plus'd when called on to tell the House what benefit it had produced. It was clear that he had not looked over the Statute-book, or he would have found that an Act to effect all that was required was still in force. By a law of Ireland, any man who buys a guinea or half-a-guinea, at a depreciated price, is subject to a penalty of *50l.*; and if he buys any number, the penalty is *500l.* So that, when the present law has passed, any person in Ireland may be punished if he purchase a guinea for either more or less than its nominal value. The hon. gentleman contended, that this Act would not have been necessary if the country were not overburthened with paper money; but at all events, if it were suffered to pass, the other should be removed from the Statute-book.

The *Chancellor of the Exchequer* could see no contradiction in telling the public that they might give an exact fixed value for a thing; but that they must not give more or less.

The Bill was then read a second time, and ordered to be committed to-morrow.

BILL FOR REGULATION OF THE EMPLOYMENT OF EAST INDIA SHIPPING.] The *Chancellor of the Exchequer* said, that as gentlemen would probably wish to have further information before they debated this subject, he would at present merely give an outline of his intention. It was the opinion of those who directed his Majesty's councils, that it would be improper to extend to the East India shipping all the benefits and privileges with which British ships were invested: it was, therefore, his intention to permit ships built in the East Indies to be registered for China and for Great Britain, but not for general foreign trade. In other respects, it was thought proper that these ships should be subject to the same restriction as other ships not British.

Leave was then given to bring in the Bill.

Mr. Alderman *Atkins* observed, that the shipping interest was of great magnitude, and deserved the most serious consideration of the House. For this reason, he thought that all the information which could be procured should be laid before the House. He should move, therefore, for the number of ships built by the merchants during the last three years: there was also another paper which had formerly been laid before the House after the battle of Camperdown: by which it appeared, that in that engagement several merchant ships had been taken into the line, and mounted from 64 to 70 guns. If this paper were not still upon the table of the House, he should wish it to be again produced.

Mr. *Protheroe* agreed with the hon. alderman, that on a subject of such importance as the shipping-interest of the country, no measures should be taken till the fullest information was obtained.

The *Chancellor of the Exchequer* thought the request of the two preceding speakers highly reasonable; and he conceived that the best method of effecting the object in view would be, to appoint a select committee as soon as possible; where any information that any gentleman could give would be readily received.

General *Gascoigne* suggested, that the committee could have nothing to do till some papers were produced.

The *Chancellor of the Exchequer* said, that there was already a large mass of papers, and the committee might with great propriety discuss what further papers would be necessary for their decision.

The motion for the papers was then agreed to.

Clergy Residence Bill.] Mr. *Bathurst* said, he should reserve whatever observations he had farther to make on this Bill, and merely move that it be committed *pro forma* for to-morrow, and re-committed on Tuesday next.

Petitions of Mr. Wright.] Mr. *Wynne* said, he held in his hand a Petition from Mr. Wright, the informer; but he had some doubts how far it could be received, on account of the allegations of the petition being in print, in a pamphlet attached to it.

The *Speaker*, in explanation, said, that certainly the objection would not be to the papers being printed; but he had never heard of a petition's being received with the allegations attached to it. If such a circumstance was in the recollection of any member, he might state it. Such a circumstance was not in his own recollection. The way was, to present a petition, containing a particular allegation, and begging that the House would hear evidence upon it. The House had then the option either of going into the case, or of dismissing it at once.

Mr. *W. Wynne* agreed with the doctrine of the chair; but as the petition had been put into his hand just as he was coming into the House, he thought it better to state the circumstance, and leave it to their discretion. He then moved that the Petition might be presented alone.

The *Speaker* said, that the Petition referred perpetually to the documents annexed, and was in itself incomplete and unintelligible. It would be better for Mr. Wright to take it back, and put it into a more concise form.

Mr. *W. Wynne* then presented another petition from William Wright, of Bridge Court, Westminster, in the county of Middlesex, gentleman; setting forth,

"That, in consequence of a letter received from the reverend Saint John Priest, bearing date the 12th day of March 1810, the right reverend the lord bishop of Norwich, on the 5th day of April following, granted licences to permit him to be non-resident for his livings therein mentioned; and that, with the approbation of the lord bishop of Norwich, the petitioner wrote a letter to the said reverend Saint John Priest, requesting to be informed of the state of the parsonage houses on his preferments, in order that he might, if possible, be saved the stamp duties on his said licences; and that, in consequence of the enquiries made by the petitioner, one of such licences was, as he believes, issued for a cause which exempted the same from such duty; and that the said licences, so granted on the 5th of April 1810, continued in force for two years, and remained in the custody of the petitioner, as he believes, until in or about the month of April 1811, when, after repeated applications for the fees due to the petitioner thereon, being at length paid, the same were sent by the petitioner to the reverend Saint John Priest, in pursuance of his directions; and he believes the same were, in due course, received by him, the petitioner not having heard, from that time until the time of his petition being presented to the House, that the same were not regularly delivered; and that the licences so sent to the said reverend Saint John Priest expired on the 5th day of April 1812, and no application was made for their renewal until after the petitioner had commenced an action at law against him for recovery of the penalty to which he had exposed himself, that is to say, in the month of October 1813; and praying, that the reverend Saint John Priest may be called upon by the House to substantiate the allegations contained in his said petition; and that the petitioner may be at liberty to adduce such evidence in opposition thereto at the bar of the House as he may be advised.

Ordered to lie on the table.

Freehold Estates.] Sir *S. Romilly* rose to move for leave to bring in a Bill to make the freehold estates of persons dying indebted, liable for the payment of simple contract debts. He believed there would be no opposition to the leave for bringing in the Bill; but as the subject was new to the present parliament, he would state shortly the substance of his measure. By our law, the non-payment of debt was visited with great severity. Unlimited imprisonment was the punishment which the law inflicted on persons unable to pay their debts, whether the individuals were in fault or not. Some relaxation had lately been introduced by a most beneficial Act; but still, under certain circumstances, a person might be imprisoned for life; and thus a man in a state of bankruptcy, was punished as severely as if he had committed a capital offence. But while the law was thus severe against the persons of debtors unable to discharge their debts, what seemed very inconsistent, the property of a debtor might, without any difficulty, be subtracted from his creditors. A man might owe debts to any amount, and leave a considerable property behind him at his death to his heir, with his debts unpaid; and the law would suffer the heir to enjoy the property and to revel in all the luxuries of life; while those very persons whose credulity, perhaps, contributed to the acquisition of that property, might be sent to prison for want of power to recover their debts, and see their wives and children doomed to a workhouse.—It was this anomaly in the law which he now proposed to remedy. Till the Statute of Frauds passed in the time of king William, even special debts could not be made good against devises; and it was to be regretted, that the alterations introduced at that time were not carried somewhat farther. It sometimes happened, that men who had contracted debts, and who had purchased freehold estates, from an unjustifiable kindness to their relations, and for the very purpose of preventing a commission of bankruptcy being taken out against them, had put an end to their existence—These were cases of such injustice, and calling so loudly for remedy, that he wondered any objection could be made to the Bill, though he knew that objections would be made to the measure in a future stage. The objections which had formerly been made were now, in a great many instances, completely removed. It was now seven years since he had proposed to the House a measure exactly similar to the present.—It was brought forward under some advantages which the present would want; for he was then his Majesty's solicitor-general, and the Bill had the countenance of the government; though, before it was disposed of, the countenance of the government was of no great importance. It had been formerly said, that the Bill, if passed into a law, would be attended with great difficulty in the execution, and would lead to endless litigation and expence. But this objection had been since proved by experience to be unfounded. For though the House did not then adopt the measure when it was suggested, they adopted another with little or no opposition, for subjecting the freehold estates of persons engaged in trade to the payment of their debts. Now it so happened, that almost all the objections applied as much to traders as to those who were not traders. With respect to litigation, to expence, and to innovation on the ancient doctrine of the law, the objections were as applicable in the case of traders as in the case of others; and he would undertake to say, that this law had not been attended with the smallest difficulty in the execution. The smallest difficulty of construction had not been experienced. Instances had occurred where estates of 200,000*l.* of freehold property, belonging to one house, had been attached, and where the debts would not have been paid if it had not been for that Act. There was one remarkable case, where the Act had not directly, but indirectly, been the means of subjecting a large estate to the payment of debts. Sir Roger Kerrison, a banker, in Norwich, was engaged in business under the firm of himself and son; and he had issued notes to the extent of 600,000*l.* At his death, he left little or no personal property, but real property to the extent of 500,000*l.*; and had not that been made liable, not one of his debts would have been paid. The Act in question, however, did not operate directly; as it happened that the son's name, though he had not interfered in the business, was in the firm;

and sir Roger dying intestate, the property devolved to this son. Several gentlemen in the House knew very well the case to which he alluded. It had also been said, that the measure would weaken the aristocracy of the country. It appeared astonishing to him that such an objection should ever have been made. He was utterly at a loss to see how the rank of any body of men could be supported, by allowing them a liberty of committing injustice, and the power of injuring the lower orders of society with impunity. Another objection seemed to him equally groundless:—It was said, that such a law would facilitate the means of contracting debts in the case of young men recently come to their estates. It seemed to him quite improbable, to suppose that tradesmen, in furnishing goods to persons of this description, looked forward to the demise of the debtors. The hon. and learned gentleman concluded with moving for leave to bring in a Bill for subjecting the freehold estates of persons dying indebted, to the payment of their simple contract debts. Leave was given accordingly.

FEES OF COURTS OF JUSTICE.] Sir *John Newport* rose with an intention of moving, that a table of the fees received in the civil and ecclesiastical courts of Great Britain and Ireland, the augmentations of them which had taken place during the last 20 years, and the authority under which they had been imposed, should be laid before the House. By this mean, the House would come to the knowledge of the alterations in the fees which had been demanded in courts of justice. If the rate of fees was not controllable in parliament, he knew not how the matter could be reached any where else. Parliament would have the means of judging if any increase had taken place; and if so, on what ground the alteration had been made. That such augmentation had taken place in many instances, he was not disposed to assert; but he knew that it had in some. He should suppose that it was the wish of the House, that the doors of courts of justice should be thrown open as widely as possible, that no class of subjects might find any difficulty in obtaining redress; but if, besides the augmentation of expence from the stamp duties on proceedings, there could be additions made to the fees of the judges and officers of court at pleasure, the poorer classes of the community might be almost completely shut out from courts of law. Not being able to see on what ground this motion could be resisted, he would reserve himself till he heard what was urged against it. It appeared to him, that those who were most interested in the matter—namely, the judges and other officers of court, could have no objection to what he proposed; as it would enable them to justify the augmentation where it had taken place, or wipe away all suspicion of it where it had not taken place. He therefore concluded with moving for a return of the rates of fees demanded and received in the several superior courts of law, civil and ecclesiastical, in Great Britain and Ireland, by the judges and officers of court, during the last 20 years; together with the authority by which these rates had at any time been varied and altered.

The *Chancellor of the Exchequer* said, if the right hon. gentleman had stated any specific instances, the House would know how to set about the enquiry; but so far from this, he had not even stated whether the cause of complaint lay in England or Ireland. As to the judges, it was known that they were perfectly independent; and although they were the receivers of the fees, they were not personally interested in the receipt of them. It was impossible to surmise any thing wrong on their parts; for they had not only to administer justice with impartiality, but also to look to popularity. On the whole, as he could see no good reason for the motion, he should move, as an amendment, that the House proceed to the other orders of the day; at the same time, he certainly should not object to any rational motion on the subject.

Sir *J. Newport* said, that as this was one of the days on which notices had precedence of orders, and there was another motion to be made, the right hon. gentleman was debarred from moving the other orders of the day. It was a prevalent opinion, that the fees had been augmented both in England and Ireland; and he had much difficulty in obtaining information on the subject, from the fears of the practitioners, lest by making any disclosures they should incur the displeasure of their respective courts. This was a case that called for information; and justice would be denied to the public, if it were not fairly brought under their view.

Mr. *Bathurst* contended, that the hon. gentleman had not given reasons to believe that there was the slightest suspicion against the officers of the superior courts; and yet the integrity of the whole jurisprudence of the country was to be called in question, without knowing upon what foundation. He ridiculed the idea, that the practitioners in the courts would be afraid to tell how and when the fees were raised; and insisted, that if the hon. gentleman had made any enquiry on the subject, he could not have been in the dark about it half an hour.

Mr. *C. Wynne* said, his right hon. friend had by his motion imputed no improper conduct to the judges. The House had certainly a right to enquire if the fees had been raised, though it should afterwards appear that they had been raised by proper authority. He had no doubt that the increase of fees was proper, to keep pace with the increasing expence of living. But the high opinion he entertained of the judges, was not to lead to a blind confidence in his capacity of member of parliament. In the reign of Geo. 2, a similar enquiry had been made, and the judges of that day were inferior to none that had ever presided in the courts of England. Should the present motion be opposed, grounds of suspicion would arise.

Mr. *Rose* suggested, that all objection could be removed by shaping the motion so as to require a return from those courts where the fees had been augmented during the last 20 years.

Sir *John Newport* had not the slightest objection to that alteration, since his whole object would thereby be answered.

The original motion and the amendment were then withdrawn; when sir J. Newport moved for a return of the rate of fees in those courts, civil and ecclesiastical, of England and Ireland, in which an increase had taken place within the last 20 years; together with a statement of the authority under which such an alteration had been made. On this motion being put,

Mr. *Stephen* said, he did not rise to oppose the motion, as now worded; but he could not suffer it to pass without making his protest against the manner in which it was originally brought forward; from which it could not but be presumed, *prima facie*, that suspicions had been incurred, that the officers of the courts in England had been parties to injustice, in raising the fees of such courts without due authority, which could not fail to bring those courts into disrepute in the opinion of the public. Whatever might have been the case in Ireland, to which the right hon. baronet had acknowledged he meant originally to have confined his motion, he believed there was not the smallest cause for such suspicion in this country; and therefore he could not suffer the motion, even as altered, to pass, without having so far expressed his sentiments on it.

Mr. *Baring* said, he thought such suspicions as those mentioned by the hon. and learned gentleman who spoke last, might certainly be entertained. For his own part, he should never have thought of any such suspicions, had it not been for this day's debate, and the manner in which the motion had been resisted in its outset by the Chancellor of the Exchequer. He was glad, however, that the suggestion of the right hon. gentleman had put the matter in such a light, as should answer every purpose of his right hon. friend who brought forward the motion.

Mr. *Ponsonby* observed, that the present were extraordinary times, as hardly a day passed which did not introduce some perfectly novel proceeding in that House. They were now told, they ought not to enquire into the amount of sums raised from the people of this country; it would be to insult the judges, by seeming to attach suspicion to them. Formerly they were told, it was the first duty of that House to enquire what sums were raised in any way from the people. They had an undoubted right to enquire into any increased expence thrown on the public. If it should be proved that an increase had taken place in the fees paid in the several courts, that increase might appear to be justifiable and necessary; but of this the House could not judge till they had called for information on the subject, and an answer had been given. But a learned gentleman had said, it would consume so much of the judges' valuable time to make the returns called for, that, on that account, the proposition ought not to be entertained. How much of their time would it consume if no increase in the fees had taken place? How long would it take them to return "*nil*" to the application made? The House had never been more jealous of any infringement of their authority than of any attempt to raise money from the people without their direct interference. In refusing to allow the enquiry to be made which the right hon. baronet had recommended, the Chancellor of the Exchequer had done what no minister had done before; and he ought to feel much obliged to his right hon. friend (Mr. Rose) for extricating him from the awful situation in which he had placed himself.

Mr. *Bathurst* agreed with the last speaker, that his right hon. friend (Mr. Rose) deserved thanks; but contended, these ought to come from the right hon. baronet (sir J. Newport), and not from the Chancellor of the Exchequer. When the right hon. gentleman spoke of the little trouble the judges would have in returning "*nil*" he was talking of the proposition of his right hon. friend (Mr. Rose), and not of that of the right hon. baronet (sir J. Newport).

Mr. *Plunkett* contended, that the objections made by the Chancellor of the Exchequer, if applicable at all, applied with equal force to the motion as amended at the suggestion of Mr. Rose, viz. that there was something in it that implied suspicion as to the conduct of the judges, and that the House could not adopt it unless a specific charge were introduced. The Chancellor of the Exchequer therefore could not, with any regard to consistency, agree to the amendment: all that the amendment did was, to require a return from the courts in which the fees had been augmented; and the augmentation was the ground of suspicion; it seemed as if the right hon. gent. (Mr. Rose) had charitably interposed to save his friend from opprobrium. Thus, then, a double novelty was to be observed; first, that such a motion should be resisted at all; and, secondly, that ministers had changed their opinions without any substantial change in the motion to authorize it. The right hon. bart. was perfectly correct when he said that these augmentations were considered as a grievance in Ireland; they formed, in some cases, so great an obstacle, that in some instances persons had refrained from seeking justice, not being able to sustain the increased expence. Supposing this, however, not to be the fact, one salutary object would be answered by removing all suspicion.

Mr. *Simeon* said a few words in favour of the amendment.

Mr. *Stephen* explained.

Sir *J. Newport* said, his reason for bringing forward the motion in such general terms was, to take away every idea of attaching the smallest suspicion to the conduct of the judges. The way, however, in which the Chancellor of the Exchequer had opposed the motion, was the only one which could attach such suspicion to those high characters; and, therefore, he felt himself obliged to the right hon. gentleman for the amendment he had suggested, which certainly enabled him to attain every object he had in view in bringing forward the motion.

The question was then put, and agreed to.

CLERGY PENALTIES BILL.] On a motion for the second reading of this Bill,

Lord *Folkestone* said, that in the early part of the evening it had been stated, that there was not likely to be any opposition to the principle of the Bill; that it would only be objected to in the detail; and that therefore there would be no debate on the second reading, as the entire examination of the measure would be reserved for the committee; he, however, had at that time different intentions; and he had been anxious to catch the eye of the Speaker, in order to give notice of that difference. So much did he object to the general principle of the Bill, that he felt himself obliged to oppose the second reading, even in that thin state of the House. All the general arguments which applied to precipitate Bills applied to that before the House; such Bills were usually rather the effects of feeling than of reason. His chief particular objection to the Bill arose from the injury it would do to an individual. The Act passed about twelve years ago, regulating the residence of the clergy, held out inducements to persons to commence actions for any breach of the provisions of that Act; and under the sanction of King, Lords, and Commons, the prosecutor had a vested interest in the penalties attached to its violations. The Bill went to destroy that vested interest. It would be an *ex post facto* act to deprive an individual of his right, and to indemnify others who had been guilty of a breach of the law. Feeling had been called in to aid this cause, and the worst feelings that could be employed; prejudice had been resorted to; and the odious term of informer had been used, to excite hatred against the prosecutor of the actions which gave birth to the Bill, and pity and sympathy for those who were the objects of them. It had been said, that Mr. Wright had entrapped those persons whom he had prosecuted into the very offences for which he had prosecuted them; but how was it possible that he could have so entrapped them? Although he had a vested interest in the penalties, yet that interest was subjected to the verdict of a jury and the decision of a court, and therefore it was impossible that he could entrap them; for if the prosecutor had caused them to commit the offence, they could have proved that fact on the trial; and indeed, any facts operating in their favour might also have been proved in a similar manner; and if sufficiently strong, not only would the prosecutor have lost his penalties; but he would also have been liable to the costs of the defendants, as well as his own. Much calumny had been afloat, and the term 'informer' was constantly applied to Mr. Wright; but it would be remembered, that this calumny originated with those who had been injured by him, and who had also been guilty of breaking the laws. He was not of opinion that the clergy had any pretensions to indulgence; if they had been a body remarkable for an assiduous discharge of their duties, he would not be one to punish them for a neglect of forms; but were they so? Another reason which had been stated for the Bill was, the great amount of the sums which might be recovered by Mr. Wright from some of the non-residents. But surely this was a singular case, if the extent to which the transgression of the law had been carried was to be a ground for not inflicting its penalties. It was said, too, that the penalties in many cases had been incurred by neglect or ignorance of the law. How was this argument, he would ask, listened to in other cases in courts of justice, even when pleaded in behalf of the lowest and most unlearned members of the community? Here, however, there was a body of men, the learned and affluent, who had broken the law, and yet prayed to be excused from suffering under it. It was said, that the ruin of several individuals would be the consequence of enforcing the law. That such ruin should take place, he should be as sorry as any man; but why should this calamity be averted at the expence of Mr. Wright alone? It might be a preferable course to indemnify those who were subject to the penalties, out of the produce of certain sinecure places, or some such source. From the reasons he had stated, feeling it impossible to approve of the Bill, he protested against the second reading.

Mr. *Wetherall* said, that not only the present Bill, but every Bill of Indemnity, was an *ex post facto* law. That the persons indemnified by the Bill had committed any real offence he denied; they being liable to the penalties, in most cases, because they had neglected to send in a notification of their non-residence. The law involved in it a most flagrant absurdity, by making people liable to such severe punishment for the most trivial inadvertencies; for in nine cases out of ten the penalties were incurred on account of mere omissions of form. This being the case, the House was to look to what it had done on similar occasions; and it would be seen that by the 43d of the King, the clergy had been indemnified against the consequences of neglect, similar to that against the consequences of which it was now proposed to secure them.

Mr. *Western* said, he should give his vote for the second reading of the Bill, though he could not help feeling the weight of those objections which were urged by his noble friend behind him, and which he thought were not sufficiently answered by the learned gentleman opposite. It could not be denied, that the informant had, by the Act of the 43d, a vested right in the writs he had taken out under that Act; and that the provisions of this Bill, if passed into a law, would deprive him of that right. The justification of such a measure could only be found in the peculiar circumstances, and the necessity of the case. It was a choice of difficulties in which the House was involved; but it was quite clear that the clergy ought not, and must not be left without adequate relief, where no moral culpability whatever could attach. Mr. W. said, he thought the statement he had made was due to the character of the clergy in general, and concluded with saying, he should give his assent to the second reading of the Bill.

Mr. *Creevey* would, as he supposed the noble lord would press the question to a division, give his reasons why he felt obliged to vote against the second reading of the Bill. It was not from any affection to informers; for he knew no class of persons whom he more inveterately hated and despised, than those who obtained money by practising informations; nor because he was not aware that the church was suffering great injuries in consequence of the Bill regulating residence; but he would not consent to relieve the clergy by the present Bill, because it would trench on the provisions of an act of parliament, and illegally destroy a vested interest; and he was astonished to find the Bill receive the sanction and support of the gentlemen opposite. When he or any other person proposed to abolish any sinecure held by patent or otherwise, either at home or abroad, he was always answered, "Oh, you can do no such thing—such a one has a vested interest in it,"—and so forth; but now, when the matter was different in regard to the persons concerned, there was no hesitation to destroy a vested interest, although it was fenced by an act of parliament. The produce of the informations was a vested right; and though the very name of "informer" was odious, he must support the interest of one, notwithstanding the hardships under which the prosecuted clergy laboured.

Mr. *Bathurst* defended the Bill. That breaches of the law had been committed, was not denied; but he maintained that the quality of the offence was not that against which the legislature had most to provide. A Bill indemnifying a person from penalties incurred by the omission of a matter of form (Mr. Grant, jun.), had just passed without opposition. From the language held by the noble lord, it should seem he would allow of nothing of this sort. He would not admit that a breach of the law could in any way be qualified by circumstances; his language would be

"Fiat justitia, ruat cœlum."

For his part, it appeared to him, that the present was a case in which legislative interference was imperiously demanded. It was, however, not intended to save the clergy at the expence of Mr. Wright. He would be allowed his costs; and where the law had been broken, so as to involve a moral offence, he would be enabled to proceed for those penalties which, in such cases, the legislature had intended should be paid. All that was desired by the present Bill was, to secure those from ruin who had unconsciously offended against the letter of the law, without violating its spirit.

The Bill was read a second time.

HOUSE OF LORDS.

Monday, April 4.

RUPTURE OF THE NEGOCIATIONS.] The Earl of *Liverpool* said:—My lords: Before I move that this House do adjourn, I have to inform your lordships, in pursuance of the commands of his royal highness the Prince Regent, that the Negociations entered into by our Allies, and on the part of his Majesty, with the French government, for the purpose of obtaining the blessings of peace, are at an end. It is with great satisfaction, however, that I am able to state, on this occasion, that both with respect to the principle of the negociation itself, and with reference to the circumstances that accompanied it, on which it ultimately turned, the most complete concert and agreement have subsisted among all the allied powers.—This House and the public will naturally expect due information on the subject. In this view, I have to state, that it is the intention of the allied powers to issue a formal Declaration, setting forth the grounds and motives of their conduct on this most important occasion. And it becomes the duty of the confidential advisers of his royal highness the Prince Regent to lay upon the table of parliament a copy of such document, together with such other information as may be deemed necessary for the due illustration of the subject. Under these circumstances, I am of opinion that it would be premature and improper to say more at present. I have thought it my duty to make this communication to your lordships, and shall conclude with moving, "That this House do now adjourn."

Earl *Grey* observed, that he derived a great consolation from the statement of the noble lord, that not only in the principles on which the negociation was carried on, but also in the causes which led to the termination of that negociation, there had been the most complete agreement among the Allies. When that information promised by the noble lord should be communicated to the House, he trusted that they would have the farther satisfaction of learning, not only that the Allies had agreed in the principles of the negociation, and the circumstances and conditions upon which it was terminated; bu that those circumstances and conditions would prove that the negociation had been broken off by the ambition and injustice of the enemy. The noble lord had said that the Declaration of the Allies, an such further information as might b wanted, would, in due time, be laid befor the House. It was undoubtedly his wish and the wish of all their lordships, he believed, to examine these documents a soon as possible; and he wanted to know from the noble lord, whether they had any reason to expect that the papers woul be laid before the House before the adjournment, that they might come prepared to the discussion of the subject as soon after the recess as possible.

The Earl of *Liverpool* said, it would not be possible to produce them to the House before the recess; but they would be ready, he believed, the very day on which parliament should first meet after the period for which it might be found convenient to adjourn the House during the approaching holidays. Care would be taken in the mean time to have the papers printed, that they might be laid before the House in that shape when they met; and he should propose as early a day after the recess as was consistent with a due understanding of the subject, for taking the papers into consideration.

Earl *Grey* expressed himself satisfied with the declaration of the noble earl. A day too early would not be satisfactory, when very extensive and voluminous papers were to be the subject of discussion.

The Earl of *Liverpool* said, there was no intention entertained of hurrying on the discussion. What he meant was, that as early a day as possible, but not that too early a day, should be fixed.

HOUSE OF COMMONS.

Monday, April 4.

Clergy Penalties Bill.] Mr. *Bathurst* expressed a wish that the further consideration of the report of the above Bill, which stood for to-morrow, should be postponed for a day or two.

Mr. *Whitbread* said, that he, as well as others, was prepared to enter into a discussion of the merits of the Bill to-morrow; and, if it were put off for a short time, perhaps he should not be able to attend. He thought it should be postponed till after the holidays, if it were postponed at all.

Mr. *Bathurst* did not see the necessity for so great a delay.

Mr. *Whitbread* observed, that if the assertion contained in the petition of Mr. Wright were true, that he could do away a great number of the allegations made against him by his opponents, sufficient time ought to be given to him for that purpose. Though the business might have been taken up with strong feelings of prejudice against Mr. Wright, yet he did not think there was any member of parliament but wished the real state of the case to be fairly investigated, and that every thing which Mr. Wright had to state should be fairly heard.

Mr. *Bathurst* said, Mr. Wright had only desired liberty to contradict statements contained in one petition, that of Mr. Priest. If, by application to the House, or by any other means that appeared more likely to attain his end, he thought he could disprove the statements of his opponents, he might, of course, do so.

Mr. *Whitbread* believed that a petition had been presented from Mr. Wright, praying to be heard by counsel, at the bar of the House, against the Bill; and every reasonable time should, therefore, be allowed him.

Mr. Bathurst then postponed the further consideration of the report until Monday the 18th instant.

Copper Currency.] Mr. *Grenfell* moved, "That there be laid before the House a copy of the Memorial of certain manufacturers, dated the 4th of March last, and addressed to the lords of the Treasury, on the subject of the present state of our Copper Currency."

Mr. *Whitbread* stated, that, in consequence of the refusal to take Tower halfpence in payment, which was so general throughout the country, he had heard that great distress was felt in the manufacturing districts. The shopkeepers would not take these halfpence; and, in one town, he was informed, persons who collected the poor rates had also refused them, by which very great inconvenience was produced. He was aware, that the right hon. gentleman (Mr. Vansittart) had done every thing in his power to check the evil, and a proclamation had been issued on the subject. He (Mr. Whitbread) was, however, of opinion, that much good would result if a fresh proclamation were published.

The *Chancellor of the Exchequer* said, he could add nothing to what he had already stated on this subject. He had publicly declared, that the Tower halfpence were a legal tender, and that fact was still farther made known by proclamation. He was not aware, that any of the officers of government had refused to take them; if they had done so, their conduct was improper. Persons possessing halfpence of this description, would receive their full nominal value at the Mint.

Mr. *Whitbread* did not mean to throw any imputation on the course pursued by the right hon. gentleman. All he intended to say was, that a fresh proclamation might be of use. Instances, he believed, had occurred, in which persons, having nothing but these halfpence with which to purchase necessaries for their families, were, in consequence of their not being taken, obliged to apply for assistance to the parish.

Mr. *Grenfell* said, it was not generally known, but ought to be perfectly understood throughout the country, that the full nominal value was given, at the Mint, in Bank notes, for Tower halfpence.

The motion was then agreed to, and the Memorial ordered to be printed.

Mr. *Grenfell* then gave notice, that, probably soon after the recess, but certainly before the period arrived when the right hon. gentleman (Mr. Vansittart) should make his arrangements for a new loan for the service of the country, he would call the attention of the House to the 26th of the King, which gave authority to the commissioners for the management of the sinking fund, to apply the whole or any part of that fund in furtherance of any loan or loans.

Rupture of the Negociations.] The *Chancellor of the Exchequer*:—I am authorised by his royal highness the Prince Regent, to inform the House, that the negociations lately opened at Chatillon have terminated in a rupture, and that a further communication on that subject will speedily be made to parliament. I am happy to be able to state, that the mode and spirit in which these discussions have been conducted and carried on to the point of their termination, have met with the entire concurrence and approbation of all our Allies; and that they are about to submit a Declaration to Europe, and to the world, in which they will explain the principles by which they have been guided, and justify themselves of all blame in the failure of this pacific attempt. As soon as this Declaration is issued, and shall reach this country, it is his Royal Highness's intention, that it be laid, together with all papers and documents relative to the late conferences, before this House.—I cannot, with propriety, say any thing more upon the subject at present, and shall therefore move the order of the day.

Mr. *Ponsonby* wished to ask, in the first place, whether all the papers which were necessary to enable the House to form a correct judgment on the negociation would be laid before them? and, secondly, at what time the communication would be made?

The *Chancellor of the Exchequer* said, that no communication would be made of any thing, the disclosure of which would be detrimental to the country; but that every disposition existed on the part of his Majesty's government to afford the fullest information to the House. It was impossible to ascertain exactly at what time the Declaration would arrive in this country; but, if possible, it would be laid before parliament, with the other papers, shortly after the recess. Full time would then be given to the House for the consideration of the papers; as there was no disposition on the part of his Majesty's government to press prematurely for a determination on the subject.

Mr. *Ponsonby* declared himself perfectly satisfied with the explanation.

Adjournment.] Mr. *Ponsonby* said, in consequence of what had fallen from the right hon. gentleman (Mr. Vansittart), who had just made a communication to the House by the authority of his royal highness the Prince Regent, he begged leave to ask, what duration it was his intention to give to the next adjournment? When they last had some conversation on this point, the right hon. gentleman said, that the adjournment would be of the usual length, which would carry them to that day fortnight; for he believed, the ordinary practice was, to adjourn on the Thursday before Good Friday, to the Monday week following. The right hon. gentleman had told the House, that they would not have any information immediately from their own government on the subject of the negociation, but that they must wait till the Allies had published their Declaration on the continent—which, when received in this country, would be laid before parliament, accompanied by such papers as would enable the House to form a correct judgment on the circumstances. He recollected the right hon. gentleman (when the conversation took place to which he had alluded,) observed, that the adjournment would not be of greater length than usual, but that it might probably be shorter. Now, it was material for the House to know, whether the right hon. gentleman intended to propose an adjournment of the ordinary length, or to shorten it. Because if they were to depend on the Declaration of the Allies being sent to this government, before any communication could be made to the House, it must be evident to every man, that the time might be prolonged at the pleasure of those Allies; and the House, during the whole period, might remain without any communication from his Majesty's ministers on this most interesting subject, in consequence of the Declaration being kept back. This would be a very awkward situation both for parliament and the country. The proper course of proceeding he therefore thought would be, not to adjourn, in the first instance, for so great a length of time as was intended, but to shorten it considerably. Parliament would thus have an opportunity of acting according to circumstances. In that view, the shorter the period of adjournment the better, and he could not conceive any reason which called for a recess of more than a very few days.

The *Chancellor of the Exchequer* said, it was intended to adjourn the House, on Thursday next, till Monday fortnight.—With respect to the Declaration of the Allies, it was clear that they must be most desirous to lay their conduct before the world as speedily as possible. Therefore, little doubt could exist, but that they would publish their Declaration immediately after the rupture of the negociation. He hoped, however, that, about the time when the intended adjournment would terminate, his noble friend (lord Castlereagh), who was best able to explain the circumstances connected with the subject, would have arrived in this kingdom. If, however, the allies should change their intention of publishing a Declaration, it would, of course, be the duty of government to give to the House such information, with respect to their conduct and principles, as might be deemed necessary.

Mr. *Ponsonby* said, in all former cases of that kind, it was not customary for this country to wait for information, and to stay proceedings in parliament, depending on a Declaration to be published by their Allies. He admitted, that a Declaration of their Allies generally preceded the notice, in parliament, of subjects of this nature; but the present proceeding was entirely different—because the right hon. gentleman expressly stated, that they were not to receive any information until the Declaration of the Allies was received in this country. But if they vacillated in the course they proposed to pursue, or if they changed their intentions altogether on the subject of a Declaration, then government would state something on the subject themselves; so that, in fact, it all depended on the conduct of the Allies. This was a most novel situation—that they were to depend on the conduct of other powers for information, and not on the act of the British government itself. This was a state of things perfectly new, and such as was never before known in parliament. Nor did he think a proceeding such as this could be defended, by which parliament and the nation were kept waiting for information on a point of the utmost magnitude, until certain acts were performed by other states.

The *Chancellor of the Exchequer* said, the right hon. gentleman had misunderstood him. He did not mean to state, that the information to be laid before parliament was entirely to depend on the Declaration of the Allies; but that, as the Allies intended to publish such a document, it would be better to wait for it, that it might be submitted to the House, in conjunction with the other papers relating to the same subject. Besides, the whole of the Allies would join in the Declaration to which he had alluded; it might, therefore, be considered as affording an explanation of the conduct of this government.

Mr. *Ponsonby* observed, that, according to this explanation, he certainly must have mistaken the right hon. gentleman. He understood him to have stated to the House, by authority of the Prince Regent, that it was the intention of the Allies to publish a joint Declaration; and that, when it was received in this country, it should be laid on the table of the House, with such other papers as were necessary to elucidate the subject. If, however, he had not understood him correctly, he had nothing more to offer on the subject.

NEW CUSTOM HOUSE.] Mr. *Baring* said, that the motion which he was about to make appeared to him to be of such a nature, as would not call forth any opposition from the right hon. gentleman opposite (Mr. Vansittart). Government were now about to cause a new Custom-house to be erected in the city of London; and when so large a portion of the public money as it must necessarily demand was about to be expended, it should, in some shape or other, come under the cognizance of parliament. He did not by any means suppose, that the plan was a bad or an improperly expensive one; but a building of this description was of such importance, that an estimate of the expence of erecting it should be laid before parliament. The hon. gentleman then moved, "That there be be laid before this House an estimate of the expence of building a Custom-house in the city of London."

The *Chancellor of the Exchequer* said, he had no objection to the production of the paper.

The motion was then agreed to.

HOUSE OF LORDS.

Tuesday, April 5.

On the question for the third reading of the Writs of Assistance Bill, some conversation on its prominent enactments took place between the duke of Norfolk, the Lord Chancellor, and lord Ellenborough.

The Duke of *Norfolk* adverted to the extraordinary and alarming powers he conceived it would vest in the revenue officer; in authorising one, by what was called a Writ of Assistance, to take a constable, or other officer, and enter any shop, cellar, &c. and in case of resistance to break open doors. He seemed to liken such a power to certain unconstitutional practices which were complained of in the time of Charles 2, and to certain proceedings under general warrants, which obtained at an early period of the present reign; and thought that some strong and adequate reasons should be assigned for such an enactment.

The *Lord Chancellor* said, that the practice to which the noble duke had adverted, had continued from the time of Charles 2, down to the present time; and had been acquiesced in, from a conviction that the power, though extraordinary, was necessary for the purpose of protecting the revenue. If an officer entered a house in the manner mentioned by the noble duke, and found no smuggled goods, it was actionable; so that the writ must be executed at the officer's peril. But whether the system ought to continue or not, there could be no reasonable objection to this Bill; which was merely to provide against the expiration of the writ by the death or resignation of the head of the Board of Customs who might have authorised it.

Lord *Ellenborough* said, on an indictment before him, the objection was taken, that the writ abated by such death or change; and it appeared to him, that there was much force in it. He presumed, that it was in consequence of that doubt that the Bill was brought in. The system was only justified by its necessity; but, at any rate, the writ must be executed at the officer's peril; and if nothing was found, the breaking open was actionable. While the system was continued, there could be no doubt about the propriety of the present Bill.

The Bill was read a third time, and passed.

HOUSE OF COMMONS.

Tuesday, April 5.

PRIVATE MAD-HOUSES.] Mr. *Rose*, pursuant to notice, proceeded to move for leave to bring in a Bill to repeal and render more effectual the provisions of the Act of the 14th of the King. He prefaced his motion by a short detail of the grievances which existed about the commencement of his Majesty's reign, and which had been discovered by a committee appointed to enquire into the state of Private Mad-houses in the United Kingdom. He mentioned some of the most aggravated cases of persons being confined in these receptacles who were in a state of perfect mental sanity. Amongst others, a person was found who had his wife confined in one of these houses, and who, when asked whether she was mad, replied "O, no; but I consider the place as a kind of Bridewell." In fact, it had been found that the practice was, to admit persons without any enquiry whether or not they were deranged. It was astonishing that ten years actually elapsed after the report of the committee which he had mentioned, before any remedy was applied to that flagrant evil. At length, in 1774, an Act had been passed, which, however, was now found to be very inadequate to prevent the evil. As a proof of this, he had a statement in his hand, concerning the situation of persons confined in some of these houses. In one instance, the apartments allotted for persons confined were found to be cells on the ground floor, nine feet long and five broad, the walls of which, as well as the ground, were wet with damp. The whole furniture consisted of a box containing some straw or blankets by way of a bed. The Act required the certificate of a surgeon, amongst others, before a person could be received into a private mad-house. There were actually cases in which it was found that the surgeon's certificate was signed by the keeper of the house. The object of the Bill which he meant to bring in was, to remove the defects of the existing Act. It would go to provide, that the magistrates in the different counties should periodically visit the private mad houses within the respective counties, and make reports on the subject, on pain of severe penalties. He then moved for leave to bring in a Bill to amend the Act of the 14th of the King, respecting private mad-houses.

The motion was agreed to without opposition, and Mr. Rose afterwards brought in the new Bill, which was read a first time.

Report from the Committee of Supply.] Mr. Thomas Courtenay reported from the Committee of Supply the following Resolution, which was read and agreed to:

That a sum, not exceeding eight millions, be granted to his Majesty, towards paying off and discharging the Exchequer bills issued for the service of the year 1813, charged on the aids of that year, outstanding and undischarged.

Report from the Committee of Ways and Means.] Mr. Thomas Courtenay reported from the Committee of Ways and Means the following Resolution, which was read, and agreed to:

That, towards making good the supply granted to his Majesty, there be issued and applied the sum of eight millions, part of the amount of monies in the Exchequer, and remaining to be received on the 1st day of April, 1814, to complete the sum of twenty-one millions granted out of the produce of war taxes for the service of the year 1813.

Corn Laws.] Lord A. Hamilton presented a petition from certain persons in the county of Lanark, praying that no alteration might be made in the Corn Laws.

On the question that it should lie on the table,

Mr. *Baring* took that opportunity to express his hope, that the discussions on the subject of the corn laws would not be put off, as in the last session, until the middle of summer, when members were called upon to vote on a question which it was not possible to have time to digest. Considering the imperfect nature of the information hitherto obtained, and that every thing of importance relating to the subject was yet to be learned, he hoped that some effectual measure would be adopted in good time.

Mr. *W. Fitzgerald* said, that he had no difficulty in stating, in as far as he knew, what was likely to be done on the subject. An hon. friend of his, the member for Queen's county (sir H. Parnell), had been chairman of the committee; and it was at the desire of that hon. baronet, that all the accounts relating to the business had been moved for. When the matter had been discussed before the Christmas recess, it had appeared to every one, that it would be unfair and unwise to enter into the discussion in the absence of many of those members whom the subject most concerned. He knew that it was the intention of the hon. baronet to bring the matter under due discussion as soon as possible after the recess.

Mr. *Baring* said, what he thought necessary was, that there should be either a fresh committee, or that evidence should be taken at the bar on the subject.

Mr. *W. Fitzgerald* said, that in the absence of the hon. baronet, he felt it impossible to say what course would be taken.

Adjournment.] The *Chancellor of the Exchequer* said, that from the present state of public business, he believed it would not be inconvenient if the House adjourned for the Easter vacation tomorrow instead of Thursday. If any gentleman had any private business which stood for Thursday, he begged him to state it.

No member rising, the Chancellor of the Exchequer gave notice, that to-morrow he would move that the House should adjourn for the Easter recess.

HOUSE OF LORDS.

Wednesday, April 6.

Civil Liberty--Imprisonment on Mesne Process.] Earl *Stanhope* said, he rose to present four Petitions, which he considered of great consequence, because they related to the very important subject of civil liberty. He had, with some degree of astonishment, met with persons who were bold enough to state their objections to political liberty, from whom he completely differed; and he had seen those who were bigots enough to declare their sentiments against religious liberty, from whom also he as widely dissented; but he never yet met with a man who had the audacity to state that he was an enemy to civil liberty. All their lordships must know so much of the laws of their country as justly to appreciate the 29th chapter of Magna Charta, the most precious part of this statute, provided as a bulwark to our English liberties. If their lordships would turn to the chapter he cited, they would find it enacted, that no man should be condemned without trial, that justice should not be sold, denied, or delayed. "My lords," said earl Stanhope, "it is notorious, that justice is sold in this country. I do not mean to say, that it is sold by the judges; but such are the fees and expences to be paid for its administration, that it is impossible for a certain description of the community to become possessed of it; and if the sellers are permitted to put such a price as to exceed the means of purchase among certain classes of his Majesty's subjects, the result will amount to a denial of justice to those who are placed in that situation. With respect to delay, it is not necessary to remind your lordships of what daily comes under our observation. Perhaps that delay may be the effect of necessity; but while it exists, it becomes our serious consideration to provide such means as to rid our laws of injustice so great, and oppression so monstrous." The noble earl stated, that the petitions he referred to complained of the wrongs which arose through the present system of mesne process; which, in consequence of allowing a man to arrest upon the oath he chose to make for the purpose, might render another liable to suffer a long imprisonment, without being in the least in debt; and under the proceedings of mesne process, it might occur that delay would be equal to injustice. Therefore, without considering at present whether the law of imprisonment could or could not be defended, he was prepared to declare, that imprisonment under mesne process could not be justified.

The first petition which he had to present to their lordships, was that of Matthew Baillie Dennett; to which he would request their particular attention, inasmuch as it described the case of a person imprisoned without any just cause of debt, and detained in custody a considerable length of time; that against the hardships of those proceedings he had pleaded by petition, and in other forms; that the petitioner, on every point, had taken the advice of counsel; and all the statements made were according to their opinions of the law upon the subject. The delays complained of in this particular case were certainly unnecessary.

The next was the petition of Walter J. Baldwin, esq.; in which, the noble lord observed, without wishing to throw the blame upon any manner of men, what was complained of, in being detained after the declaration of the Court, appeared to him to be unjust and contrary to law.

The third petition he was about to present was that of T. Maney, a prisoner for debt in the King's-bench; by the statements in which it appeared, that he discovered, on the part of a person named, certain frauds; in consequence of which he applied to the Thames police magistrates, who, in consequence, sent officers to search the premises of that person; and upon their search, property was said to have been found. That he (the petitioner) was twice arrested, in order to prevent his being examined as a witness; and, that, on the occasion of the second arrest, the person, who had put him in, had informed those who were interested in the trial, that he had gone abroad.

The next petition (his lordship observed) was that of Stephen Eagleton, a person who had been set free under the Act brought in by a noble and learned lord (Ellenborough); after which, however, it was stated, that he was seized by the turnkeys of the King's-bench and dragged into prison; but he was subsequently liberated by them, which was an acknowledgment that they had acted unjustly.

All these four petitions had the same prayer; namely, the abolition of imprisonment for debt on mesne process. It had been said, in the way of objection to such a measure, that it would decrease credit. To this he would observe, that the too great increase of credit was one of the greatest curses. He admitted at the same time, that in certain cases, credit was beneficial; nay, advantageous; as in the instances of professional and some other descriptions of men, who may be in need of assistance of the kind. But as the law stood, a man may be imprisoned where no assistance had been afforded. His main objection was, to the existence of imprisonment without a crime. The power of imprisonment was in some cases in a manner without control; it may be exercised even by one who may take himself away to America afterwards. The system so ill accorded with his feelings upon the subject of civil liberty, that he must say it ought not to continue. As to the petitions referred to, whatever might be the individual opinions of their lordships as to the cases, none could say but that they ought to lie on the table.

The noble earl then regularly presented the petitions, which he begged might be fully read by the clerk. This was accordingly done. The first was, as above stated, from Matthew Baillie Dennett. The statements of the petition appeared to be of the general tendency described by the noble earl in the course of his observations to the House.

The second was from Walter J. Baldwin, esq. as follows:

"To the Lords Spiritual and Temporal of the United Kingdom of Great Britain and Ireland in Parliament assembled.

"The respectful Petition of Walter J. Baldwin, esq.

"Sheweth; That under the existing system of imprisonment for debt, your lordships' petitioner was arrested on mesne process, in his bed, on the morning of the 23d March, 1813, and was held in prison till the 11th of March, 1814, a period of upwards of eleven months, for a demand which he was not in any manner bound by law to pay, as has since been proved by a decision of the court of King's-bench in the month of February last.

"That petitioner, as soon as possible after his arrest, applied at judge's chambers, by his attorney, to the chief justice of the court from which process issued, for an order to be discharged from a groundless, unjust, and illegal arrest, but was referred to the court, which did not sit for five weeks after: that in consequence he remained at a lock-up-house for those five weeks, when he moved the court by counsel for an order as above, but could not obtain it; and that afterwards, on being served with a false and groundless declaration, he applied again by his attorney to another judge of said court at his chambers, for an order to be discharged, but did not obtain it; so that your lordships will perceive that every thing in petitioner's power was done to endeavour to procure his liberation, but without effect.

"That when the action, on which your petitioner had been so arrested, afterwards came into court to be tried on the 23d of February, 1814, eleven months from petitioner's arrest, the plaintiff was non-suited; and the chief justice of the court, as petitioner has been credibly informed, most expressly declared, that your petitioner ought not to have been held to bail; that is to say, ought not to have been arrested, or held in prison at all, in this cause, as there was no ground of action.

"That, after the non-suit of the plaintiff, your petitioner applied, by his attorney, to a judge of the court in which the action was instituted, for an order for his discharge; but although he had already had, as aforesaid, the decision of the court in his favour, he could not obtain it, but was referred to the chief justice of the said court, who did not come to his chambers for many days after: that, on the said chief justice's coming to his chambers, your petitioner again applied for an order, as aforesaid, for his discharge, but was again referred to a future day; and, that on the future day appointed, your petitioner, a third time, applied for said order, and obtained it. Your petitioner, therefore, as your lordships are requested to observe, was thus by means of a most groundless, vexatious, and harassing course of proceedings, held in prison, contrary to law, for eleven months previous to the decision of the court in his favour as aforesaid, and was even subsequently to the said decision in his favour, further kept in prison for upwards of a fortnight, from the said 23d of February to the 11th of March following, although the court had expressly decided that there was no ground whatsoever for arresting him or holding him in custody on the said cause of action.

"Wherefore your petitioner most respectfully implores your lordships, from your regard for the rights and liberties of your fellow-subjects, and by the real prosperity and best interests of your country, to take such measures as to your wisdom shall seem meet, totally to abolish the practice of imprisonment for debt, at least on mesne process, under which such groundless and harassing oppression may be visited on the most innocent, most virtuous, and most worthy member of the community; and the abolition of which would be in no way injurious to the fair creditor, but would on the contrary be equally beneficial to him, the debtor, and the country at large.—And petitioner will ever pray,

"Walter J. Baldwin."

The third petition was from Timothy Maney, to the effect and tendency described by the noble earl; and the fourth, from Stephen Eagleton, in the like manner.

The petitions being read, they were severally, on the motions of earl Stanhope, ordered to lie on the table.

The House then, on the motion of the earl of Liverpool, adjourned (for the Easter recess) until Tuesday the 19th.

HOUSE OF COMMONS.

Wednesday, April 6.

APPRENTICE LAWS.] Mr. H. Davis presented a petition from certain master manufacturers of the city of Bristol, praying that so much of the Act of the 5th of Elizabeth, cap. 4, as inflicted penalties on persons exercising trades to which they had not served regular apprenticeships, should be repealed.—Ordered to lie on the table.

Mr. *P. Moore* presented a petition from the manufacturers of Coventry, praying that that part of the 5th of Elizabeth, cap. 4, which inflicted penalties on persons exercising trades to which they had not served regular apprenticeships, should be rendered efficient. He should merely move "that the petition do lie on the table;" but, before he sat down, he wished to inquire of the learned gentleman (Mr. Serjeant Onslow) who had given notice of his intention to introduce a Bill on the subject, whether he meant, in his proposed measure, to confine himself merely to the repeal of that part of the 5th of Elizabeth which sanctioned those penalties, or to do away with the Act altogether? He also wished to know, whether the learned gentleman intended to push his Bill through the different stages in the present session; or, having introduced it, to let it lie over till the next? In his opinion, a committee ought to be appointed, in the first instance, to examine the whole of the petitions that had been presented relative to the 5th of Elizabeth, and also to look into the provisions of that Act.

Mr. Serjeant *Onslow* said, most unquestionably he did not mean to go beyond the terms of his notice, in the measure he should introduce. He had stated, explicitly, the part of the Act that he wished to have repealed, and he had not since altered his determination. With respect to the second point of the hon. gentleman's interrogatory,—"Whether he intended to hurry the Bill through the House?" he would answer, that he certainly did not. But the hon. gentleman seemed to forget, that the present period was, virtually, almost the commencement of the session, and that very important business was yet to come on. He (serjeant Onslow) undoubtedly did wish to have the sense of the House taken on the Bill before the session terminated. And this, he thought, could be done without any imputation of hurry. In the last session the Treasurer of the Navy (Mr. Rose) had presented a petition from a great number of persons who were desirous that the penalties should be continued; and moved for a committee to investigate the allegations of the petitioners. A committee was granted—it sat from day to day—and the evidence adduced before it was printed. He (serjeant Onslow) inquired of that right hon. gentleman, whether he intended to found any motion on this evidence? And, understanding that he did not, he stated, at the close of the last session, that he would himself submit a motion on the subject. Soon after parliament met, he gave notice of a motion for the 30th of November; but, in consequence of a number of gentlemen, who represented large manufacturing districts (particularly the hon. member for Yorkshire), not being then in town, he postponed it till the 22d of February, and had finally put it off till the 27th of the present month—knowing that a call of the House would take place before that period, which would ensure a full attendance when the proposed measure came to be discussed. That the country was not unprepared for it, was evident from the numerous petitions which had been presented in favour of it. Petitions of that nature had been received from Leeds, Birmingham, Huddersfield, Bristol, and many other populous neighbourhoods. Several petitions had also been presented against it. How they were procured he did not know; but the language in all of them appeared very nearly the same. With respect to the principal trade carried on by the constituents of the hon. gentleman, it would not be at all affected by the new Bill, because it was already guarded by a variety of enactments, totally independent of the 5th of Elizabeth.

Mr. *P. Moore* said, it was very true, that his constituents (the freemen of Coventry) were obliged by act of parliament to serve a regular apprenticeship, before they could carry on the business alluded to by the learned gentleman. Now, they were alarmed, lest by the proposed Bill they should be deprived of a right which they had long enjoyed. They therefore were anxious that the Bill should not be hurried through the House.

The petition was ordered to lie on the table.

PETITION FOR LEAVE TO PRESENT A PETITION RESPECTING THE OFFICE OF GAUGER OF LONDON.] A Petition of the court of mayor and aldermen of the city of London was read; setting forth, "That his Majesty's royal predecessor Edward the 4th, king of England, being entitled to the gauging of all wines, oils, and other gaugable commodities, imported for sale into England, by his letters patent under the great seal of England, bearing date at Westminster, the 26th day of June, in the 18th year of his reign, in consideration of 7,000*l.* released to him by the said mayor and commonalty and citizens, was, amongst other things, graciously pleased to grant to the said mayor and commonalty and citizens the office of gauger within the said city, to have the said office, and the disposition, ordinance, oversight, and correction of the same, together with the fees, profits, and emoluments to the same office due and by use belonging by use and custom to the said mayor and commonalty and citizens and their successors for ever, and also the exercise of the same office, by themselves or their sufficient deputy, which said office has been exercised by the petitioners from the granting of the said letters patent, hitherto to their emolument, and to the great advantage and benefit of the public; and the forfeitures accruing to his Majesty and his predecessors, received by the petitioners or their deputy, in the exercise of such office, have been duly accounted for annually, upon oath, by the gauger and deputy gauger of the city of London, in the court of Exchequer; and that, from the granting of the said letters patent until the completion of the docks and quays authorized and established by the acts of parliament hereinafter mentioned, much the greater part of the gaugeable commodities, imported into the port of London for sale, were landed and brought within the said city and the liberties thereof, by reason whereof the petitioners had the gauging of the same, and the fees, profits, and emoluments arising therefrom; but that an Act passed in the 39th year of the reign of his present Majesty, intituled, "An Act for rendering more commodious, and for better regulating the port of London;" and, by another Act passed in the 39th and 40th year of his Majesty's reign, intituled, "An Act for making wet docks, basons, cuts, and other works, for the greater accommodation and security of shipping, commerce, and revenue within the port of London," the several quays therein mentioned, which are now completed, are made legal quays for the importation and landing of merchandize imported for sale into the said port of London; and almost all the gaugeable commodities imported into the port of London must now, by the respective provisions of the said Acts, necessarily be landed on the said quays respectively, and cannot lawfully be landed elsewhere; and that the said quays are situated out of the local limits of the said city and the liberties thereof; and although the gauge of all gaugeable commodities coming into the port of London, and landed without the actual limits of the city of London and liberties thereof, have, from the date of the said charter down to the completion of the docks constructed by virtue of the above mentioned Acts, been taken by the city gauger on each shore of the river up to upon and beyond the local situation of the said docks, without question or dispute of the city's right of gauge, and although the lord chief justice of his Majesty's court of King's-bench, upon the first trial of the question, decided in favour of the city's right so to gauge under the charter of Edward the 4th, yet, upon a subsequent trial of the question, that court adopted a contrary decision, and adjudged that the petitioners could not, under the said letters patent, legally claim to exercise their said office of gauger on gaugeable commodities there imported and landed, whereby they have lost nearly the whole of the profits of their said office, so purchased by them as aforesaid, for a large pecuniary consideration, and the public have lost the advantage of a gauger legally constituted to gauge and ascertain, on oath, between the buyer and seller, as also an arbiter between the gaugers for the revenue and the merchant, in the measure of the gaugeable commodities so imported and landed at the said quays; and that the consent of the lords commissioners of his Majesty's Treasury to this application was not obtained until within a few days last past;' and praying, that leave may be given to present a petition for leave to bring in a Bill to enable his Majesty to grant to the said mayor and commonalty and citizens the officer of gauger at the said docks and quays, and at all legal quays and sufferance wharfs wherein gaugeable commodities may now or hereafter be lawfully landed within the port of London, in like manner as they now hold and exercise the said office within the city of London, or that they may have such other relief as the House shall think just and equitable."

Ordered, That leave be given to present a petition as desired.

The House being informed, That one of the sheriffs of the city of London attended at the door, he was called in, and at the bar presented to the House, a Petition of the court of mayor and aldermen of the city of London:—and then he withdrew.

And the said Petition was read; containing the same allegations as the last preceding petition; and praying, that leave may be given to bring in a Bill for the purposes therein mentioned.

Ordered, That the said petition be referred to a committee, with power to send for persons, papers, and records.

Adjournment of the House.] The *Chancellor of the Exchequer* said, that as they were then almost on the eve of the holidays, and as there was no business of importance before the House, he did not think there was any necessity for prefacing the motion of adjournment, of which he had given notice on the preceding evening, and which was perfectly in unison with the ordinary proceedings of the House, with any observations. He then moved—"That this House do, on its rising, adjourn to Monday se'nnight."

Mr. *Whitbread* felt it his duty to take notice of the manner in which the right hon. gentleman had proposed his motion. The present, it was true, was a very unsual session; the recesses had already been very long, and they had been proposed at most extraordinary periods. But these were circumstances that could not justify the right hon. gentleman in thinking, that the proposed adjournment was a mere matter of course. It seemed to him, that the right hon. gentleman acted somewhat disrespectfully to the House, in not informing them why they were then called on to adjourn to a period not, in his opinion, very common; because it was by no means unusual for that House, as the right hon. gentleman's parliamentary knowledge must suggest, to meet on the Wednesday in Easter week. Now, he could conceive, that the absence of a noble lord (Castlereagh)—the want of time to arrange the documents received by government—or the expectation of events of great importance (on which he would not offer an observation)—might induce the right hon. gentleman to move an adjournment till Monday se'nnight.—But having, at one time, stated, that the adjournment should take place on Thursday, and having now anticipated that day, it did not appear to him to be quite a matter of course: and, therefore, he called on the right hon. gentleman to assign his reasons for taking this step. It was to him, as a member of parliament, a very unsatisfactory mode of proceeding, although the right hon. gentleman passed it over so lightly and indifferently.

The *Chancellor of the Exchequer* said, he was certainly not conscious of any want of respect for the House, in proposing an adjournment which was usual, and in which the convenience of members was consulted. The hon. gentleman (Mr. Whitbread) had himself assigned a powerful reason, if such were necessary, for the adjournment in question; or even for a longer adjournment, if the interests of the public required it. It had always been customary at this season of the year to propose such an adjournment as that which he had suggested, unless public business of a paramount nature required the House to meet at an earlier period; and as there was no such inducement for departing from an almost uniform practice, he did not think it was necessary to enter into any particular explanation.

Mr. *Whitbread* had said distinctly, that he did not mean to oppose the adjournment, and had only objected to the manner in which it had been proposed by his Majesty's ministers.

Spirits Intercourse.] The *Chancellor of the Exchequer* rose, in pursuance of notice, to move for the renewal of the committee which sat in 1809, to enquire into the intercourse of spirits between Great Britain and Ireland. Since that committee had been appointed, repeated Acts had been passed to prevent the intercourse between the two countries; and as it now became desirable that the subject should be brought to some arrangement advantageous to both countries, as a preparatory step to that proceeding, he begged leave to move—

"That a committee be appointed to inquire into the regulations which govern the drawbacks and countervailing duties on the importation and exportation of spirits the manufacture of Great Britain or Ireland, from one country to the other respectively; and also what alterations it may be expedient to make in respect of the same, in order to place the intercourse between England and Ireland, and Scotland and Ireland respectively, in the article of spirits, upon those terms of reciprocity which are required under the articles of union between Great Britain and Ireland; and that they do report their observations and opinion thereupon, from time to time, to the House."

Sir *John Newport* was extremely desirous that the committee now proposed to be appointed should examine the question for their consideration fairly, and with a determination to come to some certain regulation upon this important subject; as nothing was so improper as the temporary acts which had been passed, and which were in direct violation of the first principles of the Act of Union. It was extremely impolitic always to be looking solely to the present moment, without paying any regard to futurity. With respect to the motion of the right hon. gentleman, it was not his intention to oppose it; but he did apprehend that the object in view would be attained with more certainty, if the instructions to the committee were not of a nature so general as those contained in the motion. The inconveniencies of such instructions had been fully proved by the result of the deliberations of the last committee, which had never been able to come to any fixed conclusion, in consequence of the variety of matters by which the attention of its members had been distracted. He thought it would be best to confine the attention of the committee solely to the question at issue between the two countries; and with that view, he begged to suggest to the right hon. gentleman the expediency of so wording his motion.

Mr. *W. Fitzgerald* said, that there was no wish on the part of his Majesty's government, that the committee should direct their attention to any other point than that in which the two countries were particularly interested.

Sir *John Newport* said, that as long as the instructions to the committee were so general, it would be in the power of any member to bring forward the discussion of any collateral branch connected with the spirit intercourse of the two countries.

The *Chancellor of the Exchequer* had no wish that the committee should go further than the hon. baronet thought necessary; and had formed his motion merely with a view of letting it be understood that the committee was similar to that appointed on a former occasion.

The question was then put and carried.

Population of Ireland.] Sir *John Newport* wished to be informed, whether there was any reason for omitting to lay before the House, according to the terms of the act of parliament which was passed in a former session, an account of the population of Ireland?

Mr. *R. Peel* said, he was extremely glad the hon. baronet had given him an opportunity of explaining to the House the cause of this omission. The fact was, that returns had been received from the clerk of the peace in Ireland of the nature alluded to; but they were in such an imperfect state, that they were utterly unfit to be laid on the table of the House. Many of the counties had neglected to send in any returns whatever; while others were of so incorrect a nature, that they were wholly unsatisfactory. He had however, since written to the Judges and to the foremen of the grand juries of different counties; and was in hopes that by the next session such returns would be made as would meet the wishes of the House.

Sir *J. Newport* expressed himself satisfied with this explanation.

British Museum.] The House resolved into a committee of supply, to which a Petition of the trustees of the British Museum was referred; when 8,231*l.* 11*s.* 4*d.* was voted to the said trustees to carry on the works of the Museum, and a further sum of 1,000*l.* to enable them to purchase books to improve the collection of the Museum.

The House having resumed, the report was ordered to be received on Monday se'nnight.

The House then adjourned to Monday, the 18th instant.

HOUSE OF COMMONS.

Monday, April 18.

REPORT FROM THE COMMITTEE OF SUPPLY.] Mr. Brogden reported from the Committee of Supply, the following Resolutions, which were read, and agreed to by the House:

1. Resolved, That a sum, not exceeding 8,231*l.* 11*s.* 4*d.*, be granted to his Majesty, for enabling the trustees of the British Museum to carry on the trusts reposed in them by parliament; and that the said sum be issued and paid without any fee or other deduction whatsoever.

2. That a sum, not exceeding 1,000*l.*, be granted to his Majesty, to enable the trustees of the British Museum to proceed in making the necessary purchases for improving the collection of printed books respecting the British islands and the several possessions of the British empire; and that the said sum be issued and paid without any fee or other deduction whatsoever.

LEEWARD ISLANDS.] Mr. *Brown*, with reference to a Bill then in progress in the House (the Colonial Residence Bill), wished to put a question to the hon. gentleman opposite him (Mr. Goulburn). He understood that there had been an appointment of a Mr. Le Marchant to be civil secretary of Antigua; an office of great importance in the government of that island—he wished to know whether the appointment to it was by commission or patent?

Mr. *Goulburn* said, that the office of secretary for all the Leeward Islands had formerly been held by one person; but on the death of Mr. Osborne it had been deemed advisable to separate the office; and Mr. Le Marchant, brother to general Le Marchant who was killed at the battle of Salamanca, had been appointed by patent to be secretary at Antigua, with the express condition that he should reside at that place.

Mr. *Creevey* asked whether the papers which had been ordered, on his motion, relative to the leave of absence of sir Evan Nepean from his office in the Island of Jamaica, had been returned?

Mr. *Goulburn* said, that a letter had been written to Jamaica on the subject of the order; and that no indisposition existed on the part of the government to afford the information wished for.

THE LATE NEGOCIATIONS.] The *Chancellor of the Exchequer*, after the late momentous events which had unexpectedly taken place, thought proper to call the attention of the House to the documents relating to the late negociations. Before the recess, he had been directed to acquaint the House, that the negociations which had been carried on at Chatillon-sur-Seine were broken off, and that a communication would be shortly made to them on that important subject. At the same time it was understood, that all the documents relating to those negociations were to be laid before the House as early as possible, in order to submit fully to the approbation of the House the conduct of his Majesty's ministers in that delicate conjuncture. The change of circumstances which had, however, taken place since, rendered the production of those documents now less desirable. The man who was the principal party that we had to deal with in those negociations had been hurled from his throne—and on that event, which now filled the world with wonder, he would not detain the attention of the House; but since that momentous change had taken place, other negociations had been entered upon, which promised the happiest and most glorious results for England, and for Europe. Under these circumstances, he did not think it advisable, nor perhaps decorous, to publish the documents relating to the negociations at Chatillon.

Mr. *Whitbread* said, when the House last separated, they were in daily expectation of hearing of great events, and greater had never occurred in the history of any nation than those which had since taken place. No man could contemplate these with greater delight—no man could participate more largely in the general joy, than he did; but he could not help feeling, nevertheless, that the House would be guilty of a dereliction of its duty, if it neglected to call for the papers respecting the negociations at Chatillon. They (the members of the House of Commons) were not absolved from their duty by the prosperity which had opened on Europe and the world. They ought at such a time to be more vigilant than ever. I was their duty carefully to trace what had been the conduct of ministers before the rupture of the negociations. When he said this, it was not because he though there was any reason to arraign the con duct of ministers; on the contrary, he thought he should be one to applaud their conduct throughout, and that the rupture of the negociations would have his unqualified sanction. He, however, thought, after the confidence that House had reposed in them, by adjourning itself from time to time, in order to give them every opportunity of prosecuting the negociations without interruption, it was too much to tell them, that those papers ought not to be produced which they had promised should be laid before them. When that House was the only body in England unofficially acquainted with what had taken place, he could not help thinking they ought not to suffer themselves to be treated thus, at a time when they stood so high in the eyes of the world as they did at present. If the right hon. gentleman thought it was inexpedient to produce them now, he would concur with him, and be content to wait that prosperous issue which all fondly anticipated; but if he meant, that it was now, and would be ever inexpedient to lay them before the House, he for one would enter his protest against this doctrine. He would call for them; and he thought discredit would be thrown on the House, if they were not obtained. He thought, as negociations were at present going on, that it might be improper to produce them now. [Hear, hear!]—A member opposite said "Hear, hear!" Did that hon. member hear the right hon. gentleman (the Chancellor of the Exchequer) say he would be willing to give the papers at any future time? If the hon. member heard him say so, he heard what had escaped him (Mr. Whitbread). If he had said so, he (Mr. Whitbread) was content to wait; but if he had not said so, he was not content to agree that it would be for ever inexpedient to produce them. Though, from information that he had received as a private individual, he thought the negociations had broken off on just grounds, still, as a member of parliament, he must call for the papers which had been promised, that he might know what had caused the rupture.

The *Chancellor of the Exchequer* had not meant, by any thing that he had said, to preclude the House from calling for the papers, if their production should be thought necessary at any future time. He wished at present to give no opinion, as to whether or not ministers might hereafter think it desirable that they should be produced. Whether or not it would be expedient at a future day, he was not now disposed to inquire. The hon. gentleman had said, the House had reposed great confidence in ministers, by adjourning from time to time to enable them to prosecute the negociations without interruption. He admitted, the House had reposed great confidence in them; he trusted that confidence had not been abused; and had only to express a hope, that the House would continue to have confidence in them for some time longer.

Mr. *Whitbread* remarked, the right hon. gentleman had said that he did not mean to preclude the House from calling for any information which they might hereafter think necessary. He knew that the right hon. gentleman did not mean to preclude them from doing that over which he had no controul; but he now collected from what he had said, that—the instructions given by the right hon. gentleman's colleagues—that the opinion of his Majesty's government was—that it would not, even at a future period, be expedient to lay before parliament the papers which they had promised to produce: now, if this was their resolution, when the time came, and a time must arrive, when the production of these papers would be harmless, he would get them if he could; and as their production had already been sanctioned by ministers, if he stood alone, he would endeavour to persuade the House to call for them. From the commencement of the negociations up to the present time, he had been one of the first to repose confidence in ministers. He did not repent the line he had taken; but they must not expect his confidence would be extended beyond all bounds; and he should think ministers unworthy of all confidence, if they kept from the House those papers which they ought to have.

The *Chancellor of the Exchequer* said, he had not expressed an opinion that it would be inexpedient at some future time to lay the papers before the House. He repeated, it was his meaning, that it was not now deemed expedient by his Majesty's ministers to lay before the House those papers which a short time ago they thought it their duty to produce.

COLONIAL OFFICES BILL.] On the question being put for going into a committee on this Bill;

Mr. *Creevey* rose to oppose any further progress of this Bill, which had been miscalled a Bill of Reform. It would, in effect, sanctify all abuses committed against a Bill of Reform which had passed in the 22d of the King. That Bill, which was not, as had been stated, brought into that House by Mr. Burke, originated in the House of Lords, where it was introduced by the late marquis of Lansdowne, then lord Shelburne; it was brought into the House of Commons by lord Kenyon, then attorney general; who said on the occasion, that its intention was, to compel all persons who held offices in the West Indies to reside in the places to which they were appointed. It was true, that in the enacting part of the Bill those offices only were mentioned that were held by patent; but the reason of this was, that it was in the power of the crown to compel those who held by commission, to reside, without the interference of the legislature. Notwithstanding this law, sir E. Nepean, who was governor of Bombay, held an office in Jamaica by patent; and Mr. King, who held an office by the same species of authority, held an office in England, equally incompatible with his residence in the West Indies. There was, it was true, a provision in the Act, by which a leave of absence could be granted by the governor and council of the island in which the office was holden. He was curious to see in the case of sir E. Nepean and Mr. King, what sort of thing perpetual leaves of absence could be: he doubted not, when they were produced, that the learned gentleman (Mr. Stephen) would contend that there was a vested right in a leave of absence, as well as in an office held at pleasure. The hon. gentleman then read a copy of a commission, by which the office of receiver at Berbice was granted to the hon. G. Capell, who is also a commissioner of land tax in the county of Stafford. He contended, that this commission, having, like all others, a declaration that the office was only holden during the King's pleasure, it could not surely be necessary to pass a law to compel residence. The advocates of this Bill (said the hon. gentleman) are suspicious reformers: for, in the first place, it is they who have sinned. [No! from the ministerial bench.]—On looking over the list of the place-holders in question, the names of lord Hobart and lord Castlereagh both occurred several times. Indeed, he would stake his life that the whole anxiety for the present Bill arose from one little passage, viz. "And be it further enacted, that nothing in this Act shall be construed to extend to any existing appointment or leave of absence granted before." By this pretty device, it was intended to support the leaves of absence, which the proposers of the Bill well knew to be too rotten to support themselves. If the Bill was pressed, he should divide the House on it, and propose what he thought would be a much better measure—a resolution that the law had been violated in the letter, in the case of the holders of colonial offices by patent; and in its spirit and effect, by the holders of those offices by commissions.

Mr. *Goulburn* stated, that when he had first the honour of submitting the present measure to the House, he had in no degree anticipated the opposition which it appeared that he was now to encounter; for, whatever apprehensions he might have entertained of being considered as an intruder on the province of reform, which the hon. gentlemen opposite arrogated exclusively to themselves, they were removed by the general expression of approbation and concurrence with which it was received on its first introduction. He was still less prepared to hear the present Bill stigmatised as one brought in expressly for the purpose of perpetuating existing abuse, and sanctioning the illegal violations of a former statute. As the hon. gentleman thought it necessary to give the history of that Bill (the 22nd of the King), it did not appear to Mr. Goulburn improper to inform the House and the hon. gentleman, that it was brought into the House of Lords, and passed through that House, precisely in the shape in which the present Bill was submitted to parliament. During its progress through this House, it was limited in its operation to patent places; probably in consequence of the suspicions of those who thought, with the hon. gentleman, that the government had no right to meddle with reform; and who therefore proposed an alteration which had the effect of rendering an useful Bill altogether nugatory. That the ground on which the former Bill was introduced was that stated by the hon. gentleman, namely, that of reforming places which were from their tenure out of the reach of the prerogative of the crown, was altogether incorrect; for, as the Bill had only a prospective operation, it was as much in the power of the crown to have introduced a clause of residence into future patents, as to compel the residence of persons holding offices during pleasure. The hon. gentleman had interpreted the former Bill as depriving the absent patentee of all claim to salary while absent, and stated his life on the accuracy of this interpretation. Mr. Goulburn, however, thought that the fact of the salaries having been paid to absent patentees, was evidence that this construction was incorrect. He had never found that any persons were willing to pay sums, sometimes of considerable amount, to those who had no legal authority to demand such payments; and he was still less inclined to believe, that the persons resident in the colonies, from whom the fees were demanded, which constituted the salaries of their officer, would have paid them if the authority of the patentee had admitted of a doubt. There was, however, another circumstance to contradict the hon. gentleman's opinion; which was, that Mr. King's claim to the fees of his office had been contested in a court of law, and had been established by its decision in his favour.

It appeared to Mr. Goulburn, that the measure proposed as a substitute for this Bill, was one of the greatest cruelty and injustice; being no less than to deprive those who had received such offices (on the express understanding of non-residence, and of being allowed to appoint a deputy) of what had been in most cases the only reward which they had received for meritorious public service. He did not believe there was any one in the House who would, in his own case, avail himself of the letter of an agreement in opposition to its understood engagements, with a view of being released from its obligation; and he could not consent to impose either upon the crown or the parliament a line of conduct which would be justly considered, in an individual, to be both unjust and dishonourable.

The hon. gentleman had at length disclaimed his former opinions as to the œconomy of abolishing colonial offices, and appropriating their salaries to home services. Mr. Goulburn was glad to hear this recantation; but even if the measure originally suggested had been feasible, Mr. Goulburn would have thought it unadviseable. The House had often had reason to lament the feelings which were found to be prevalent in the colonies; to observe the distinctions which were made between man and man, not on account of their qualities, but of their colour, and to reprobate the conduct to which such distinctions gave rise. The source of this evil was, the stagnation of all colonial society, arising from the repugnance which was felt to a residence in the colonies. By inducing therefore respectable persons to reside there, more would be done to remedy this crying evil than by any other possible mode; nor could Mr. Goulburn believe, that the House would, for a moment, permit the paltry saving of a few thousand pounds to weigh against the adoption of a measure which was essential to the security of the colony, to the happiness of the colonial population, and above all essential to the character of this country.

Mr. *Creevey* thought an attention to this subject was particularly called for at the present time, from the near prospect we now had of peace; when a number of most meritorious persons, in consequence of the diminution of our naval and military establishments, would be reduced to a scanty half-pay. It was not surely at such a time as this that those places, which might be conferred as an honourable reward on the services of our gallant countrymen, should be disposed of to increase ministerial patronage. The hon. member concluded with moving, as an amendment, instead of the words "that the Speaker do leave the chair," the following Resolution:—"That it appears to this House, that by the 22d of the King, no persons holding colonial appointments are permitted to reside in this country; that nevertheless many persons holding such appointments by patent, do reside in this country, contrary to the express letter of the Act; and many others, not holding them by patent, contrary to its evident meaning and spirit; that this is an abuse and violation of the law, calling loudly for inquiry and correction."

Mr. *Whitbread* seconded the amendment.

Sir *J. Mackintosh* said, it was true that there were abuses of non-residence, against which it was proper to guard; and was of opinion, that to frame some new regulations, with respect to the granting of leave of absence, would be wise. He did not agree with his hon. and learned friend (Mr. Stephen) in the line he had taken as to the "vested right" which he supposed colonial officers to have in the situations to which they were appointed during pleasure; but at the same time, he thought long established usages ought not at once to be overthrown, to the ruin of individuals. It appeared to him, that colonial offices might have been conferred on persons, who had formed their plans of life on a belief, that residence would not be required. They had been ignorant of the law on this subject; or at the time they received their appointment, they were possibly of an age not sufficiently mature, to be aware of the condition which accompanied it. That persons thus circumstanced, should lose the income on which their whole plan of life had been formed, was, in his mind, inconsistent with the maxims of wise and liberal government. He concurred with that great man, (Mr. Burke) who had by mistake been said to be the author of the Act formerly passed on this subject, in thinking that "tenderness to an individual cost nothing to a state; that that which was every thing to a man, was nothing to the resources of a nation; so that the principle complained of, was adhered to no longer." To adopt now the resolution moved as an amendment by the hon. gentleman (Mr. Creevey), to compel those holding colonial offices to reside, would be to compel the greatest part of them to resign. Doing this, they would reward the exertions of the present government by throwing into their hands a great deal of patronage, the result of long connivance and abuse in their predecessors. Was it thought that the present administration was so superior to the ministers who had preceded them, that the patronage, improperly exercised by them, would be unexceptionably employed by these, in rewarding that distinguished valour which, displayed by sea and land, had placed this country so high in the estimation of the world. He, for his part, was not disposed to pay their virtue so high a compliment as to assume that they were so much better than all who had gone before them. He could not see the wisdom of placing such boundless confidence in them to the ruin of many unoffending persons. He apprehended, that the objection, made by the hon. gentleman near him, might be obviated, by omitting that part of the clause that he had noticed, which provided that persons holding appointments before the passing of the Bill, should not be affected by it. This provision, as he thought it unnecessary, he could wish to see omitted.

Mr. *Stephen* said, that at the time this Bill was first brought in, it seemed to be the opinion on the other side of the House, that it was highly honourable to the person who introduced it, and to the colonial department. The gentlemen on that side were then unusually fair and candid—it was a pity that they changed their minds so very suddenly. With all their love of reformation, there appeared something like jealousy, at having a measure of this nature introduced by a young rival. The hon. gentleman (Mr. Creevey) expressed his conviction, that the Bill would frustrate reformation in the colonial offices; and pretended to discover some plot for this purpose in the concluding proviso of the Bill, which took away its application to existing appointments. In the Bill formerly introduced by the member for Corfe Castle, there was a saving clause of the same kind; and it was the ordinary and parliamentary mode of proceeding in cases of this kind; and yet it was in such a clause that he pretended to discover this plot to frustrate the reformation intended by the measure. It was not unusual to put such constructions upon the best measures; but the method now had recourse to was without example. The clause was represented as productive of

> "All monstrous, all prodigious things;
> "Serpents, and hydras, and chimeras dire."

A phrase used by him upon a former occasion was alluded to, and a cry was raised against him for the way in which he applied the term "vested interests." He should be glad to know what construction the hon. gentleman (Mr. Creevey), in the accuracy and clearness of his fancy, would put upon these terms—(A laugh.)—A laugh might be easily raised, but a laugh was no proof that he (Mr. Stephen) used the words improperly. He should wish to hear the laugh raised against him justified by a close definition, and not supported merely by sarcasm. The learned gentleman (Mr. Creevey) so much forgot his legal in his political studies, that he seemed to think nothing vested, but what was held in perpetuity. Did he never hear of vested interests for a term of years, or in the funds? Where then was the absurdity, to justify the laugh raised against him? Was it because he applied the words to places held during pleasure? Could nothing be a subject of unjust invasion unless it was held during life? If the hon. gentleman's (Mr. Creevey) idea of the matter was a right one, the gallant officers who would now retire upon half pay, might be deprived of that half pay, as it was not held by patent. Did he mean to say, that places not held by patent were to be at the mercy of every reformer? He hoped they would answer the "master in Chancery" fairly, and not screen themselves again under a sarcasm. What he said, and must again say, was, that it would be monstrous, in a moral point of view, that it would be converting public spirited reformation into Jacobin reformation—to deprive persons of their places without compensation. So far from thinking the clause objected to a blemish, he considered it indispensable in such a measure. Part of the hon. gentleman's (Mr. Creevey) plan was, to apply to colonial purposes the money that would arise from the suppression of some colonial offices; he should however have known, that the parliament of this country disclaimed the practice of colonial taxation, except with respect to commerce. Did he mean to say, that the fees were to be received as before, and disposed of by parliament? The hon. gentleman never was in the West Indies, and could not know what was suffered by Europeans residing there. Did he think that men of talent would expose themselves to all the hardships of that climate for a bare subsistence, and on the condition that they were never to obtain leave of absence? It was proper that persons in situations there should return to Europe periodically, to get rid of the rust they must necessarily contract, and to renew themselves, like the giant Antœus, by touching their mother earth. Without having it in his power to return home and refresh his constitution, no man of talent would accept of a place in the West Indies. Giving sinecures in the colonies as the reward of merit, was rather a relief than a burthen to this country; for otherwise, such persons must be rewarded from some other source. To deprive persons of those places which they now held, would, in his mind, be the highest injustice.

Mr. *Creevey* explained. He thought before, that the right hon. gentleman (Mr. Stephen) misapplied the term vested rights; and by the illustration now given, he was the more convinced of this. He (Mr. Creevey) admitted, there might be vested interests in places not held by patent. He admitted, that the right hon. gentleman's place was of that nature. He was asked, if he never heard of vested interests? To this he would reply, that he often did hear of such; but if a person were to go into the office of the master in Chancery, and shew a piece of paper, by which he held a place of 2,000*l.* a year, the master, if he did his duty upon such a consultation, would say, that he held a contingent, and not a vested, interest in the place.

Mr. *P. Moore* said, that the Bill, when it was introduced, professed to remove an existing evil; which, in his opinion, it would not do. The Bill, as the learned gentleman (Mr. Stephen) observed, was certainly received with some cheering from that side of the House; but the cheering was applied to the principle upon which the Bill was said to proceed; and because it was stated by the person who brought it in, that the noble lord at the head of the colonial department would, by this measure, deprive himself of much self-indulgence, by giving up his power of granting leave of absence. This, however, was not the case; as the Bill applied only to governors and other officers abroad. There ought to be a return of all leaves of absence for the last 32 years, laid upon the table, that the House might have some proof of the necessity of such a Bill. They should likewise know the jurisdiction under which the governors acted in granting leave of absence. There was one instance, of a governor at present residing in this country, who removed a judge from his place; he also removed the sheriff and the attorney general, and persons holding patent places. As he saw no grounds for this measure, he must vote against it.

Sir *S. Romilly* said, that on his part at least there was no personal hostility; and in the opinion he should deliver, he would be influenced by no consideration of that nature. He understood his hon. and learned friend (Mr. Stephen) to say that offices held at pleasure were vested interests. He did not know whether he used the words in a legal sense, or merely to imply that it would be unjust to deprive persons of such places. In law, every thing was vested that was not contingent; but when his hon. and learned friend spoke thus of places held at pleasure, surely he did not mean to say that it would be illegal to take them away. Vested interests, indeed, could not be taken away without a violation of law. The learned gentleman, perhaps, meant only by vested, existing rights; and to say that such could not be taken away without injustice, was a dangerous doctrine. The office held by the learned gentleman himself was a freehold one and vested, and could not be taken away.

Mr. *Stephen* regretted that his hon. and learned friend (sir S. Romilly) was not present when the words alluded to were spoken. He (Mr. Stephen) did then maintain, that the offices which the Bill had in contemplation were vested interests, and could not, without injustice, be taken away. Astonishment was then expressed at a lawyer speaking in this manner; and the idea on which the words were caught at was, that vested and patent interests were synonimous.—His learned friend (sir S. Romilly) now agreed with him in the use of the terms.

Mr. *Marryatt* regretted, that many of the places in the colonies were often given to persons, not for their abilities to discharge the duties of them; if, however, they were made less profitable, they would not be accepted by men of talents. The grounds upon which the Bill proceeded were stated to the House; and one of the grounds was, to increase the white population; for it was well known that it was decreasing; and that, to prevent it, there were local regulations; the object of which was, to render the number of whites upon each estate in some degree proportionate to the negroes. The Bill, he was certain, would contribute to the security and happiness of the colonies. It would have been better if the hon. gentleman (Mr. Creevey) had moved for a return of all the appointments in the colonies, and not confined himself to a few in Jamaica and in the conquered colonies, which probably would be all very soon given up. Most of the places appeared to be given to persons who had served the government in other situations. Only six had been given within the last ten years; and they were given with the implied condition, that those who obtained them were not to reside. It was not against law to dispose of them in this manner. The present Bill he considered highly honourable to the noble lord at the head of the colonial department; and it had his concurrence, as he looked upon it as a measure of much utility.

Mr. *Whitbread* said, that in the first instance he should take the liberty of paying his personal respects to the learned gentleman (Mr. Stephen) who had so particularly alluded to him, and whom he therefore wished to have immediately followed. The learned gentleman had thought proper to attribute to him (Mr. Whitbread) a capacity for repartee, but he must decline the compliment; and as to sarcasms, he had no talent for them; but even if he had, they could not affect the learned gentleman. Indeed, he professed to disregard them; and justly, for against him they must be ineffective—they must fall from him *imbella tela.* But as to the phrase, 'vested interests,' it appeared, that, notwithstanding the learned gentleman's ruminations upon the subject during the recess—notwithstanding his overstrained endeavour at definition, to cover his use of that phrase, it was still obviously inapplicable to his argument. The learned gentleman had perhaps used it in a former instance, because he thought he was not addressing an assembly of lawyers—because he calculated upon the influence of an imposing phrase upon comparatively superficial men. His calculation, however, proved erroneous; and he was this day proved, by high legal authority, to have made an improper application of a phrase which he ought to have understood. But the highest authority, in his estimation, was Mr. Fox; and that distinguished statesman applied in that House the phrase of 'vested interests' only to patent places, which he compared to freehold rights. It was, however, reserved for the learned gentleman to maintain that vested interests were tantamount to existing interests; that sir Evan Nepean had truly a freehold right, because he held an office which office he had;—that Mr. King, too, had the same right, and for the same reason. The learned gentleman was angry, it appeared, because he had been called, in the course of debate, a "master in Chancery;" but he (Mr. Whitbread) was quite at a loss to conceive the cause of that anger; for, was he not a master in Chancery? and what could now disturb him on that point? It might have been, that he was much disturbed before he became a master, by the doubt and difficulty of attaining the office: some might have strongly opposed, although others strongly recommended, his appointment; and the throes and swellings of suspense, which agitate a nymph before she is brought to the altar to consummate her wishes, might possibly have agitated the learned gentleman; but now being actually a master in Chancery, and knowing that no chancellor could turn him out (unless he misbehaved, which was improbable), although a chancellor might have objected to his original appointment, why should he be so angry at the description of his office? Could the Solicitor General, whom he was glad to see in his place, could any public officer consider it a sarcasm to allude to the place which he had the honour of filling? It was said, that it would be severe now to annex a condition of residence to places which were obtained without any such condition annexed. This was not the case with respect to the place held by sir Evan Nepean, it was given on the express condition of residence, and yet he never discharged the duties of it in person. The learned gentleman himself (Mr. Stephen) resided in the West Indies for a long time. He hoped he was now purged of all the dross he contracted there; and, like Antœus, he was renovated by touching his mother earth. He very often gave proof of this renovation, but not upon the present occasion. The good intentions of lord Bathurst were spoken of, in annexing the condition of residence to future appointments; but would it not be easy to avoid it? What could be stronger than the condition to reside contained in the appointment of sir Evan Nepean. He was obliged to go out to Jamaica to obtain his leave of absence; and so necessary was it to purge off the dross contracted there, that he came home after remaining only two days, and brought the leave of absence in his pocket with him. Even the form of such leaves of absence was refused to be laid before the House, or else it was unknown. Was, he would ask, such a palpable fraud and abuse of the law to be overlooked? Yet such evasion might go on under the saving clause in this Bill. But a warm climate had not, it seemed, such great terrors for sir Evan Nepean; for, leaving the West Indian office, which he obtained in 1809, he in 1812 accepted the office of governor of Bombay, where he now was performing his official duty. Was this, he would appeal to common sense and justice, consistent with law or propriety? Adverting to the observations of his hon. friend (sir James Mackintosh), he remarked that such men as sir Evan Nepean, Mr. King, and lord G. Seymour, could not be supposed to violate the law through ignorance. At all events, such ignorance could not be allowed to excuse them, while the plea of ignorance was not allowed in this country to excuse even the criminality of a child. The person who brought in this Bill said, it was identically the same as that before introduced into the House of Lords; but he did not know, that the whole debate then turned upon the omission of the word 'America' in the Bill, and that it otherwise passed in the identical words in which it was proposed. The Bill passed in 1782; and there was a gross violation of it in 1789, which it is now said is sanctioned by time, and must not be touched. The learned gentleman (Mr. Stephen) talked of the defenders of their country, and of a vested interest in half-pay. Did he not know that officers in the army were removable at the pleasure of the crown; and that, for a vote in that House, a cornet of dragoons was once deprived of his commission. With a view to promote the residence of a respectable white population in the West Indies, which an hon. member (Mr. Marryatt) justly considered so very advantageous, he (Mr. Whitbread) thought the resolutions of his hon. friend were infinitely preferable to the Bill under consideration; because those resolutions would serve to enforce the residence of the principal officers, which was the more necessary, as the deputy offices were notoriously sold to the highest bidders; of course, liable to be held by exceptionable persons. These resolutions would therefore be productive of a most salutary reform; and having mentioned reform, the learned gentleman's use of the word "Jacobinical," which he confessed he now heard with surprise, naturally occcurred to his memory. In using it, he must take leave to say, that the learned gentleman (Mr. Stephen) was "a day after the fair;" and felicitous as the learned gentleman was in his diction, he thought he would have been somewhat novel in his expression, and laid aside an old, obsolete word, referring to what was past and gone, never, he hoped and trusted, again to return. He supposed the learned gentleman (Mr. Stephen) was making a speech for the present occasion during the recess, and thinking of the many severe things he would say, and the defence he would make for himself; but he happened to answer a part of a speech from his hon. friend (Mr. Creevey) which that gentleman never made. For his (Mr. Whitbread's) part, he would never sanction that which was a violation of law, and that with the knowledge of those who violated it; and must contend against what he considered as fraudulent and evasive.

Mr. Marryatt explained.

The Hon. *W. Bathurst* observed, that some members opposed a clause in the Bill as tending to sanction that which was already illegal. A Bill had passed through the House some time ago, which contained a similar clause; and he would therefore say, that it was already sanctioned by passing that Bill. Nay, the hon. gentleman, by voting for that Bill, had already, as he himself expressed it, "sanctified sins of 32 years standing."

Mr. Goulburn explained.

Sir *Frederick Flood* said, he should certainly vote for the Bill, were it not on the ground that it would be cruel and unjust to disturb the possessions of those persons to whom the places had been granted, and in which they ought to be protected.

Mr. Creevey's Amendment was negatived without a division.

The House then went into a committee, Mr. Brogden in the chair.

On the clause being read, relative to the power of granting leave of absence to gentlemen connected with offices in the colonies,

Mr. *A. Browne* opposed it. He said, that, in his opinion, the right to grant leave of absence should be vested in the councils and governors abroad, and not in the government at home. In two of the cases of absence which had been mentioned, the parties who ostensibly granted it deserved to be impeached, though he believed the fault did not really attach to them; for if the House could take a peep behind the curtain, he believed it would be found that the governors had been obliged, by the interference of the authority of the government in England, to grant leave of absence. Persons, he knew, had been pointed out by government, as fit to receive leave of absence; and if this were done in one case *(ab uno disce omnes)*, why might they not infer that a similar course had been pursued in all? If the House really wished to preserve the spirit of the Act of 1782, which had been shamefully evaded, there ought to be a specific time mentioned, beyond which the term of absence should not be permitted to extend. For that purpose he begged leave to move, "That the leave of absence should not be for more than 12 months, nor should it be renewed for more than the like period; and that any person remaining absent for more than two years, should forfeit the office which he held."

Mr. *Barham* objected to the shortness of the period stated by the hon. gentleman. He thought, where an individual had served the public faithfully, for 20 years, in the colonies, and wished to come home, either to settle his affairs, or to educate his children, he ought not to be restricted to a twelve-month; a great part of which would be consumed in the voyage home and back.

Mr. *Goulburn* also considered the time proposed by the hon. gentleman as too confined. In illustration of his statement, he observed, that the voyage to New South Wales, on an average, occupied ten months.

Mr. Browne then withdrew his motion.

On the last clause being read, by which the provisions of the Bill were declared not to extend to those who at present held situations in the colonies; Mr. A. Browne moved, "That the clause be rejected." And after a short conversation between the Chancellor of the Exchequer, Mr. Creevey, Mr. Barham, and Mr. Marryatt, the committee divided; when there appeared: For the clause 32; Against it 9; Majority 23.

The House then resumed, and the report was ordered to be received to-morrow.

HOUSE OF LORDS.

Tuesday, April 19.

The West India Trade Bill, the West India Shipping Bill, and the Legal Quays' Bill, received the royal assent by commission; the Lord Chancellor, the duke of Montrose, and lord Walsingham sitting as commissioners.

THE LATE NEGOCIATIONS, &c.] The Earl of *Liverpool* begged to call the attention of their lordships to what passed relative to the late negociations previous to the recess. He had then informed the House, that it was the intention of government to lay upon the table certain papers upon this important subject. Events had since occurred, which rendered such a proceeding, at present, at least, unnecessary; as fresh negociations had been commenced, which, it was hoped, would be speedily brought to a favourable termination. In this situation of affairs, his Majesty's ministers conceived, that the production of the documents already referred to could be of no public advantage; and considerable inconvenience might possibly arise from it. This explanation was all he thought it necessary now to give upon the subject.

Earl *Grey* was glad to understand distinctly from the noble earl, that negociations were now on foot, which were likely to have a result that would promote the general happiness and welfare of the country. He wished, however, perfectly to understand, whether the papers relating to the discussions at Chatillon would be produced on some future occasion; or whether ministers considered them, in the new state of affairs, as completely out of view, and consequently that it would not be necessary to lay them before parliament? He hoped to receive a distinct answer upon this point before he addressed the House further.

The Earl of *Liverpool* thought that he had already given a sufficient explanation why the documents were not laid upon the table. He did not wish that any thing which fell from him should at all prejudge the question, how far it might or might not be proper to produce them on a future occasion; that must depend upon circumstances. It was not difficult to imagine, that events might take place which would render it improper and unwise, that the papers regarding the negociation at Chatillon should be submitted to the public. At present, however, he did not mean to prejudge the question.

Earl *Grey* expressed some surprize at the apparent uncertainty of the noble lord, as to the line of conduct he would pursue with regard to the documents which he had himself proposed to lay before parliament. He felt every disposition to place as much confidence in ministers as the present circumstances of the country might demand; but he could not comprehend upon what principle, or upon what ground, the papers in question were now withheld. The noble earl, before the recess, had stated, that he only waited until the arrival of the official Declaration of the Allied Powers; and that as soon as it arrived ministers would feel it their duty to afford every information in support of the facts stated in that Declaration, to convince the world of what he (earl Grey) trusted there was no doubt, the moderation of his Majesty's government, and of the Allies, in the course of the important discussions at Chatillon. That Declaration had now been printed; and it set forth (not perhaps so distinctly and explicitly as could be wished) the grounds upon which the negociations had at length been terminated. The documents that were to have been supplied contained merely the evidence to support and confirm the assertions in that instrument, without affording any thing new that might become the subject of vague discussion. Under these circumstances, his lordship could not imagine any reasonable objection that could be urged to the performance of the promise made before the adjournment of the House; since he felt convinced that, on an examination of them, it would turn out that the negociations had been broken off by the ambition of Buonaparté, and the injustice of his demands, and not by any want of moderation on the part of the Allies. He did not wish to go into a debate of this subject at present, and he was willing to give to ministers all the confidence that they had a right to require. He felt the utmost satisfaction in those events which had occurred since the rupture of the negociations at Chatillon; being convinced that the termination of hostilities in the mode now to be expected was upon the whole the best that could have been attained, for the preservation of the general liberties of mankind, and for the peace, security, and happiness of Great Britain. It was the best, with only one exception; for he could have wished, that what had recently been done in Paris, in the presence of a foreign force, had been accomplished by the uninfluenced exertions of the French people. The result, such as it was, was one from which we might augur the most beneficial consequences. He was extremely anxious, however, that every information should be supplied, that might tend to give effect to the happy state of things now about to be established. The production of these documents would not only have the important consequence of satisfying the people under the dominion of the allied sovereigns (though indeed the subjects of some of them would not require it), but of satisfying the natives of France, that all that has been done has been done justly; among whom, his lordship believed, there yet remained many doubts, and some seeds of disunion. The papers would convince the world that the government now established in France was founded on truth, and in justice; and that the attainment of peace in the former instance was obstructed by immeasurable and unprincipled ambition. The advantages resulting from such a disclosure would be manifold; it would inspire almost unbounded confidence in those, whose moderation, not whose exorbitancy, had been the cause of the liberation of Europe from the yoke of tyranny. The noble earl seemed undecided as to the conduct he should pursue; and under these circumstances, earl Grey felt it his duty to put in his claim to call for the documents in question at a future day, and to make them the foundation of some parliamentary proceeding.

The Earl of *Liverpool* would only trouble the House with a few words upon what had just fallen from the noble earl. Towards the conclusion, he had spoken of the necessity of disclosing the documents in question, for the sake of convincing the people of France of the unreasonable pretensions of the enemy: his lordship (lord Liverpool) believed that he might venture to assert, that upon this point the mind of the noble earl might be perfectly at ease; since, whatever differences might exist, there was not the slightest doubt as to the real and just causes of the late happy events. The noble earl had not correctly stated what passed on this subject previous to the recess: he (lord Liverpool) had then informed the House that certain papers would be laid upon the table as a foundation for some subsequent parliamentary proceeding, the institution of which the Prince Regent might recommend. No man could now say that such a proceeding would not be wholly unnecessary; and the general rule, when papers were laid before the House, must be abandoned if they were now produced. His lordship admitted, that this was not the only ground on which the production of documents might be called for; and it would be perfectly competent to the noble earl, on any future day, to move for the papers in question, or for any others he might deem necessary in the view he should take of this important question. In the opinion of ministers, however, the reason for submitting these papers to the country was now removed; and certainly at present no benefit could be derived, and some inconvenience might result, from the disclosure.

Earl *Grey* observed, that the only ground on which he could accede to the proposition of the noble lord was, the declaration that inconvenience would arise to the public from the exposure. Charged as ministers now were with the conduct of transactions of such unprecedented magnitude, if they chose upon their responsibility to declare that public inconvenience would result from the production of these documents, he (earl Grey) could do nothing but acquiesce. When, however, the possibility of that inconvenience should no longer exist, he might perhaps move for the production of the papers.

The Earl of *Carlisle*, though he allowed himself to be comparatively ignorant upon questions of this nature, yet could easily foresee that many disadvantages might be the consequence of producing these documents. It ought not to be forgotten, that England was only one out of five great parties at present engaged; and the unnecessary publication of these papers might create distrust, and even differences, at a time when events had occurred, which even the other day could scarcely have been hoped. A short time since, when thanks (in which he so heartily concurred) were voted to lord Wellington, he did expect to have heard from the opposition side of the House some acknowledgment at least, that in the share they had borne in recent events, his Majesty's ministers had deserved well of their country. That opportunity not having been taken, his lordship felt it incumbent upon him (and the more so, because for so many years he had felt it necessary to vote in resistance of the measures of government) to give them that applause which they had so well merited, in securing the peace, liberty, and welfare not only of this country, but of all Europe. This tribute of admiration might have been given by an individual who might be able to speak better, but who could not feel more, than his lordship. Independently of the great talents they had displayed, their judgment and policy well called for the admiration of the House. The moderation they had shewn was only second to that of that great man the emperor of Russia: his dominions had been ravaged, his subjects ruined, and his ancient capital destroyed; yet, when his victorious arms had carried him to Paris, when his standard floated upon the walls, what was the revenge he had taken? it was indeed a glorious revenge, that might well excite the envy of mankind—it was the revenge of returning good for evil. He had not even entered as a conqueror; he had dictated no terms; but had allowed the people of France freely to judge for themselves, to form the basis of a constitution, which, if the superstructure corresponded with the foundation, was likely to become one of the fairest fabrics that the world could boast. This constitution would not only promote the happiness of France, but of all the contiguous countries. The emperor Alexander seemed to have outstripped record, in moderation, clemency, and generosity.

Earl *Grey* trusted, that the House would allow him to make a few remarks upon what had just fallen from his noble friend. In the first place, he had urged that no advantage could be obtained, and he had imagined a possible risk in the production of these documents. Although he (lord Grey) was not disposed now to discuss the question, he might state generally, that in a free government publicity was always beneficial; and whenever a question arose, in which the moderation, the justice, or the honour of the administration was concerned, an exposure of the motives on which certain consequences had been attained, must always be of advantage, not only to the particular country but to the world at large. As to the possible risk that might be incurred, he would not indulge in conjectures; for when ministers, on their own responsibility, chose to declare that inconvenience would be the result, he was willing to take it on trust for the present, until circumstances should enable him, by the disclosure of the papers, to ascertain the truth of the assertion. With regard to the peculiar danger referred to by his noble friend, occasioned by our intimate connection and concert with other governments, he must be aware that the risk was not greater now than at the period when the noble earl promised the production of the documents, previous to the adjournment of the House. All that was required was, that they should now be laid on the table; at least those that were in conformity with the Declaration of the Allies, in which all the powers concurred. If there were any private communications, minutes of secret interviews, or conversations, it was in the discretion of the noble lords opposite to withhold them.

"With regard to the remainder of my noble friend's speech," (said earl Grey), "I know not exactly whether it was meant to cast an imputation upon those who usually occupy this side of the House. It seemed to imply an unwillingness on our part—an unwillingness on the part of me and my friends, to give his Majesty's ministers a just tribute of approbation, and he instanced the recent case of the vote of thanks to lord Wellington; on which occasion he complains that no expression of admiration was employed. I believe that I was the only individual on these benches who said any thing upon the subject; and if I was not as forward and zealous as the noble earl (Liverpool) himself in applauding the achievements and expressing our gratitude for the services of lord Wellington, I can only say that I failed most lamentably, in the language I selected, to give utterance to the sincere and ardent feelings of my heart. Further than this I think the occasion did not require. I cannot help thinking, that there is something a little extraordinary, if not inconsistent, in the statement of my noble friend, who is unwilling that the documents should be produced, on which only we can found an opinion; and yet he calls upon us to follow his example in pronouncing a eulogium upon the general conduct of the servants of the crown. I am inclined to believe, as firmly as he does, that the measures of government, in recent transactions, have been most meritorious: that is my belief; but how can I express it as a decided opinion, or rather as the conviction of my mind, till I have before me the proofs by which my opinion is to be formed, and my conviction to be ratified? I might, perhaps, say, that I even believe that their conduct has been most admirable, in a point where it seemed probable that it would be most erroneous; I mean, the moderation of their demands. Ministers have exhibited a moderation, meritorious because it offered peace on the banks of the Rhine; meritorious because again, even as late as the 18th March, it made another liberal, sincere, and candid proposal to that unfortunate and deluded man, for the restoration of tranquillity. I rejoice more than all, because it is my belief that the same moderation has been a material ingredient and accessory in producing the very state of affairs that is now the subject, not merely of my applause, but of universal exultation. Had it not been for this moderation, we should not now have to rejoice in the dethronement of Buonaparte, in the destruction of his power, and in the restoration of the legitimate family of France. Had ministers been so ill advised, as to listen to the intemperate councils that would have had the cause of the Bourbons proclaimed in the commencement, I am convinced that we should not now have witnessed the conclusion of the horrors and calamities of war."

His lordship proceeded to notice the adoption by ministers of the very terms he had formerly used regarding peace; and further to vindicate himself from the charge of backwardness in applause, which was only restrained by a deficiency of information. He concurred in all the praise that had been lavished upon the emperor Alexander, for the noble and glorious revenge he had taken upon the French capital. Amid the shouts of victory, he had listened to the cries of humanity; and, though his own country had severely bled by the infliction of invaders, when his turn had arrived for retaliating upon his enemies, instead of dying his sword in the blood of his foes, he had stretched out his protecting arm to shield the unfortunate victims of hostilities. Such conduct had raised the emperor of Russia to a height of glory which none had hitherto attained. Even at the head of a conquering army, he had exerted no influence over the popular opinion; he had acknowledged that principle for which his lordship had contended at the commencement of the French Revolution, viz. the indefeasible and indisputable right of the people to regulate their own concerns, to choose their own government, and the immorality and injustice of suffering that right to be interfered with by foreign powers. He could not, however, help wishing that the late events had occurred without the suspicion that attached to the interposition of a foreign force. No man could feel more strongly than himself, how much was due to the emperor Alexander; and he could not help indulging a wish and a hope that he would transplant some scyon of the tree of liberty he had raised in France, into his own dominions; particularly among the suffering inhabitants of Poland. Such a hope would appear, indeed, chimerical and romantic, had it not been encouraged by the promise which his recent conduct had warranted. Then would Alexander leave the name of Washington only second on the short but glorious acts of those real heroes, who, superior to all personal interests, or what are falsely deemed so, had devoted themselves to the general liberty and independence of their country, and by that example had best served the cause of peace and freedom throughout the world. His lordship concluded by expressing his sincere belief that ministers deserved all the applause they had received, but requiring the necessary evidence to prove that it was merited.

The Earl of *Carlisle* denied that he intended to throw any imputation upon his noble friends: he only meant to express astonishment that he had not been anticipated. With regard to the rupture of the negociations, he was sure he did but express the general sentiment, when he stated his sincere joy at the rupture of the negociations at Chatillon. He was still of opinion, that the papers in question ought not to be produced; and was happy to find the noble lord near him, (Grey) coinciding with him in the sentiments which he had feebly expressed on the admirable conduct of the emperor Alexander.

HOUSE OF COMMONS.

Thursday, April 21.

CATHOLIC PETITIONS.] General *Mathew* rose to present two petitions to the House; one from the Roman Catholics of the county of Tipperary, and another from those of the populous and opulent town of Clonmel; both of which equally insisted on the right of the petitioners to a complete emancipation from their civil disabilities. He should make the usual motion, that the Petitions be received and laid on the table. When he had presented Petitions similar to the present, which he had done for the last eight years, he had always professed his readiness, if by any accident the patriotic and eloquent member for Dublin was prevented from bringing before the House the question of emancipation on the general Petitions, to move it himself on the Petitions which he then presented. The whole face of affairs throughout the world had so much changed since the last session, that he no longer thought it proper to adopt that line of conduct; and he thought that it would be improper that the Catholic Question should be discussed during the present session. Though his opinion was changed as to the conduct to be pursued by the course of events, it remained the same as to the question itself, and he remained a warm friend to full and free emancipation. By the very extraordinary changes which had taken place during the last year, his holiness the Pope had fortunately been relieved from thraldrom, to the delight of every civilized man; and not only was he restored to liberty, but to his ancient possessions, to his former splendour, and his imperial chair at Rome, surrounded by his reverend cardinals—[a laugh]—with whom he might consult on the steps to be adopted with respect to the Catholics of Ireland. Thus had the time occurred for strengthening and consolidating the empire; and if his Majesty's ministers had these objects in view, they should lose no time in opening a friendly communication with the Pope.—[A laugh.]—He (gen. M.) had been informed, and had every reason to believe his information correct, that his holiness was warmly disposed to take any steps, not entirely incompatible with his religious principles, for strengthening the British empire, by bringing the differences between the government and the Catholics of this country to an amicable termination; having beheld with admiration the part which Great Britain had taken in the glorious struggle on which had depended, not only the liberty of Europe, but the existence of the papal chair. The Catholics should, therefore, take the golden opportunity offered, and forbear again to agitate the question of emancipation, until themselves, or the government, had entered into some communication with the Pope. Not only had Providence given the happy opportunity, but it had provided the man by whom the communication might be made; he meant the marquis of Wellington. If that great man were appointed lord lieutenant of Ireland, he was convinced that every Irishman would be delighted to receive such a ruler; and the place, being the second in the empire, was due to him alone. From the natural magnanimity of his disposition, no occupation could be more delightful to him than to conciliate his countrymen, and thus to render the empire not only invincible, but invulnerable. The gallant general then proceeded to remark, how galling it was to the Irish Catholics, that they were the only men excluded from the constitution to which they were so main a prop. It was strange, he said, that this country, once deemed the most liberal, was now the only one where civil disabilities, on account of religion, existed. The once bigotted Protestant state of Holland, by an article (134) in its recent constitution, had determined that all existing religions should be equally protected, and the members of all had an equal right to hold offices and charges. In another constitution, the most superb monument of human foresight that had ever been erected, which had been drawn up by the greatest statesman perhaps who had ever existed, the prince of Benevento, and which had been sanctioned by the senate of France, who would have full power to cause it to be obeyed—he had met with an article which gave him the greatest pleasure, in which it was declared that freedom of worship, under all religions, was guaranteed, and that the ministers of all were to be treated alike. In another article it was said, that all Frenchmen were admissible to all offices alike. After all these examples of liberality, could any be found in this country so bigotted as to refuse emancipation to five millions of good and loyal subjects? He could not believe it; especially after the very honourable conduct of his Majesty's ministers in the discussion of last session, and especially of the noble lord not then in the House (lord Castlereagh). Indeed, he (gen. M.) had changed his opinion of the ministers altogether, with whom, in former times, he had differed on every question, except the votes of thanks to lord Wellington. He had then, as he had thought, for the good of his country, "left no stone unturned to assist their downfall and accelerate their overthrow." In these endeavours it was a truism to say that he was not successful. Of this ill success he was very glad. There was no man but would acknowledge that they had saved civilized Europe from bondage; exalted their country to an eminence, on which it was the admiration of surrounding nations; and brought the world from a state of universal war to a state of universal peace, by putting an end to the evil consequences of the mad and extraordinary ambition of Buonaparte. After such happy effects from their exertions, he (gen. Mathew) called on them to relieve his brave and insulted countrymen; they had well laid the abutments; they should proceed with their hallowed work, and crown the glorious arch, or their work was of no avail. It was a maxim in state policy, that nothing was done whilst any thing remained to be done; and if the ministers neglected the present opportunity, it would be evident, from their past conduct, that it arose not from any incapacity, but from sullen and wilful obstinacy. But if they endeavoured to conciliate the Catholic body, there would be no possibility that any person could act in opposition to them; and if it came to his vote, he should be glad not only that they should remain at present at the helm, but that they should be ministers for ever. Yet, until the long-wished emancipation, he should continue to watch their conduct, though not with a prejudiced, yet with a jealous eye.

What he had stated as to the Pope, he wished to be understood to have derived from good authority, as would be found if any communication were opened with his holiness. What he had said, he also wished to be understood as flowing from himself, without any consultation with any of the Catholic body; as the liberation of the Pope and other events had happened since he had left Dublin. As to the Catholic board, of which so much had been spoken and written, he was convinced, from having frequently attended their meetings, that there did not exist a more liberal and enlightened set of men in any country; and he said, if the House should not think proper to agitate the question during the present session, or if the member for Dublin (Mr. Grattan), and other members on that side of the House, should feel the impropriety of bringing it forward at the present time, that the Catholic body would readily submit to the delay. The gallant general concluded, after declaring his independence of any party, by moving that the Petitions be read.

The Petitions were then read; setting forth,

"That the petitioners, the Roman Catholic people of Ireland, again approach the legislature with a statement of the grievances under which they labour, and of which they most respectfully, but at the same time most firmly, solicit the effectual redress; their wrongs are so notorious and so numerous that their minute detail is quite unnecessary, and would indeed be impossible, were it deemed expedient; ages of persecution on the one hand, and of patience on the other, sufficiently attest their sufferings and their submission; privations have been answered only by petition, indignities by remonstrance, injuries by forgiveness; it has been a misfortune to have suffered for the sake of their religion, but it has also been a pride to have borne the best testimony to the purity of their doctrine by the meekness of their endurance; and that the petitioners have sustained the power which spurned them, they have nerved the arm which smote them, they have lavished their strength, their talent, and their treasures, and buoyed up on the prodigal effusion of their young blood the triumphant ark of British liberty; the petitioners approach then with confidence an enlightened legislature: in the name of nature they ask their rights as men; in the name of the constitution, they ask their privileges as subjects; in the name of God, they ask the sacred protection of unpersecuted piety as Christians: are securities required of them? they offer them, the best securities a throne can have, the affections of a people; they offer faith that was never violated, hearts that were never corrupted, valour that never crouched; every hour of peril has proved their allegiance, and every field of Europe exhibits its example; and that the petitioners abjure all temporal authority, except that of our sovereign; they acknowledge no civil pre-eminence, save that of our constitution; and for their lavish and voluntary expenditure, they only ask a reciprocity of benefits; separating, as they do, their civil rights from their spiritual duties, they humbly desire that they may not be confounded; they render unto Cæsar the things that are Cæsar's, but they must also render unto God the things that are God's; their church could not descend to claim a state authority, nor do they ask for it a state aggrandizement; its hopes, its powers, and its pretensions, are of another world; and when the petitioners raise their hands most humbly to the state, their prayer is, not that the fetters may be transferred to the hands which are raised for them to heaven, they would not erect a splendid shrine even to liberty on the ruins of the temple: in behalf then of five millions of a brave and loyal people, the petitioners call upon the legislature to annihilate the odious bondage which bows down the mental, physical, and moral energies of Ireland, and (in the name of that Gospel which breathes charity towards all) they seek freedom of conscience for all the inhabitants of the British empire; may it therefore please the House to abolish all penal and disabling laws, which in any manner infringe religious liberty, or restrict the free enjoyment of the sacred rights of conscience, within these realms."

Ordered to lie upon the table.

PRINCESS CHARLOTTE OF WALES.] Mr. *Halsey* said, that as reports had been spread respecting the intended marriage of her royal highness the Princess Charlotte of Wales, he wished to know from the Chancellor of the Exchequer, whether he had any communication to make to the House on this most important subject?

The *Chancellor of the Exchequer* said, that it would be improper for him to say any thing on this delicate subject, as he had no commands to make any communication respecting it. The communication would, of course, be made without delay, as soon as such a step became proper.

Mr. *Whitbread* observed, that it was extraordinary, that the important step which had been determined on, should first have been communicated by a foreign prince to his subjects, before it had been noticed to the House of Commons. In this, as on other occasions, they had been treated with great disrespect. Taking it for granted that the sovereign prince of the Netherlands had not told an untruth, he hoped that when the communication was made (which of course must be made, with a view to the necessary pecuniary arrangements), it would be accompanied with a recommendation to adopt such legislative provisions as might secure her Royal Highness from being taken out of the kingdom and detained from it, in a manner which might be extremely detrimental to the interests of the kingdom, and which might occur without such enactment.

THE PRINCE REGENT'S DEBTS.] Mr. *Bennet* said, he had understood that 13,000*l.* had been paid out of the Droits of Admiralty to general Hulse, an officer of the Prince Regent's household; which was one of three sums, amounting in all to 39,000*l.* that had been paid out of the same fund towards the liquidation of the Regent's debts. He wished for some explanation of this transaction from the Chancellor of the Exchequer.

The *Chancellor of the Exchequer* said, he felt no difficulty in answering the question of the hon. gentleman, though on a subject somewhat delicate; but which had been brought before the House at a former time, on the occasion of the passing of a Bill for regulating the Prince Regent's household. In that Bill, which had passed into a law, it was provided that a certain annual sum should be set aside for the removal of certain incumbrances under which his Royal Highness laboured. There were, however, some of these of so urgent a nature, that it had been deemed advisable to pay the sum of 39,000*l.* out of the droits of the Admiralty for their removal, and this sum was to be repaid by instalments to that fund. He did not know the exact amount of the debts outstanding; but he understood they would be liquidated in somewhat between 3 and 4 years.

Mr. *Tierney* felt considerable pleasure, on the whole, from the communication of the Chancellor of the Exchequer, who, if he rightly understood him, said that the Prince's debts would be liquidated in between three and four years. They therefore could not amount now to more than 150,000*l.* As to the repayment of the 39,000*l.* to the droits of Admiralty, by instalments, he did not see what security there could be for this; as the funds out of which the repayment was to be made was to determine on the demise of his Majesty.

The *Chancellor of the Exchequer* repeated, that he knew not the exact amount of the outstanding debts; but that by the monies applied by the Act, and some arising from the duchy of Cornwall, he understood they would be paid in three or four years. The fund, he allowed, was determinable on a contingency not pleasant to contemplate.

NORWAY.] Mr. *Whitbread* wished to ask another question; to which he hoped, for the sake of humanity, the Chancellor of the Exchequer would be able to give a satisfactory answer. It was perfectly well known, that the Norwegians, who had been conveyed by a treaty to the crown of Sweden, were indisposed to the Swedish government—nay, determined not to submit to it. It had been said, that the British government had given such orders as would put a stop to the importation of those provisions into Norway, without which the Norwegians could not subsist; hoping thus to effect by starvation what could not be done by force. He wished to know whether this report was true?

The *Chancellor of the Exchequer* said, that the subject of Norway was at present one of great delicacy; but that his Majesty's government was disposed to assist their allies, according to their treaties.

Mr. *Whitbread.* So, the starvation system has been adopted. (No reply followed.)

PETITION OF MR. WRIGHT AGAINST THE CLERGY RESIDENCE BILL.] A Petition of William Wright, of Bridge Court, Westminster, in the county of Middlesex, gentleman, was presented and read; setting forth,

"That, under the sanction of an Act of Parliament, made and passed in the 43rd year of the reign of his present Majesty, intituled, "An Act to amend the laws relating to spiritual persons holding of farms, and for enforcing the residence of spiritual persons on their benefices, in England," the petitioner commenced divers actions against clergymen for the recovery of part of the penalties, to the payment of which they had by their own neglect become liable; and the petitioner was induced to believe that himself, or any other person who might sue for the same, would find that encouragement and protection, to which, by the laws of this country, he was led to believe himself entitled; and that the petitioner never had any desire, or ever sought, to imprison the persons of the clergy, as hath been imputed to him, he being well aware that he was prohibited from so doing by the 17th section of the said Act, it being therein provided that no execution shall be levied against the body of any spiritual person for any penalty, if the same can be recovered within three years by sequestration of the benefice; and that the representations made by the clergy derogatory to the character of the petitioner as a Christian and a gentleman, of his having entrapped them, nourished or engendered their offences, or kept back their licences or notifications, he most solemnly declares are untrue; so far from which, the petitioner did at great trouble prepare a faithful abstract of all the statutes in force respecting residence, and added thereto forms of notification, and petitions for licences of non-residence, which, at his own personal expence, he caused to be printed and distributed gratis, not only to the clergy of the dioceses wherein he acted as secretary, but also to the clergy of other dioceses; and that he did also at his own personal expence, from the month of April 1806 to the month of April 1813, cause advertisements to be inserted in the provincial newspapers, and circular letters to be written to the clergy, for the purpose of acquainting them with the necessity there was for them to renew their licences, if the cause which created their existence still continued, and to request others of the clergy to deliver the notifications required by the said Act; and that so conscious is the petitioner of the rectitude of his conduct, that he invites the whole body of the clergy against whom he has commenced actions to adduce a single case in evidence at the bar of the House of his ever having entrapped any of them, nourished or engendered their offences, or kept back either their licences or notifications; and that the petitioner has commenced actions for penalties against clergymen in twenty different dioceses, and therefore his researches are not confined to the four dioceses in which he had been employed as secretary, but his information has been derived, not only from an extract published by authority of the right honourable the House of Lords, which was introduced to his attention by a dignitary of the church, who complained that such a publication should be permitted by government, as it held up a large proportion of the clergy to prosecution, but also from many long, tedious, and expensive journeys, which the petitioner has made, in order to elucidate the subject; and that, since the petitioner has commenced actions for penalties under the before-mentioned Act, not only clubs and associations of the clergy have been publicly convened, for the purpose of defeating the petitioner in his legal claims, which combination the petitioner humbly submits is contrary to the known law of the land, but also several of the clergy have caused friendly actions to be commenced against themselves, in order, if possible, to defeat the petitioner's vested rights; and the petitioner is informed that some of them have consulted counsel whether they could not avoid the penalties to which they were liable, by a resignation of their benefices and retaking them; and that the petitioner feels perfectly satisfied that the House will not lend its aid to deprive him of a right so sacred as that which is vested in him by a recent Act of the legislature, framed by the united wisdom of both Houses of Parliament, and that no measures will be adopted by the House to abridge him of the penalties under the said Act, upon the *ex parte* reports which have been communicated to the House; and that the petitioner has not only, by the means aforesaid, been put to a very considerable expence in putting the clergy in possession of the law of the land on the subject, and in obtaining the necessary evidence and information in support of his said actions, but has by their neglect, in not renewing their licences, sustained an annual loss of at least 300*l.* during nine years in which he was secretary to four lords bishops; the petitioner therefore places himself under the protection of the House, and prays that the Bill to discontinue proceedings in certain actions already commenced, and to prevent vexatious suits against spiritual persons, under an Act passed in the 43rd year of his present Majesty, may not in its present shape pass into a law, and that he may be heard, by himself or counsel, against the said Bill, and be allowed to produce such evidence as he may be advised, or that the House will be pleased to grant him such relief as to them shall seem meet."

Ordered, that the said Petition do lie upon the table.

HOUSE OF COMMONS.

Friday, April 22.

Mr. Speaker's Speech to the Prince Regent.] Lord Morpeth rose and desired the clerk to read the Speech which had been delivered by the Speaker at the bar of the House of Lords on the termination of the last session. The Speech having accordingly been read;

Lord *Morpeth* said:—In rising to submit to the House a proposition relative to part of the Speech made by the Speaker at the close of the last session of parliament, the House may be assured that I am not insensible to the imputation of presumption that in the opinion of some persons may attach upon my conduct, or blind to the various difficulties with which the subject is surrounded; among the foremost is the one, that he who has the honor of addressing you is himself an object of accusation. He has been arraigned for not bringing the subject before the consideration of the House at an earlier period of the session—but in the then comparatively thin state of the House he did not think it consistent with his sense of the importance of the subject to submit it at that period to the consideration of parliament. Some rumour indeed has reached his ears, that a sort of permission was necessary before he might be allowed to make the present motion; but how it was to be obtained, or by whom extended, did not very satisfactorily appear, considering indeed the respectable quarter from which it is supposed to have proceeded, he must have been incorrectly informed.

But there are difficulties of another nature, and to my mind of a more important description; arising from a consideration of the high station which you, Sir, hold; of the manner in which for a long period you have discharged the duties of that high station; of the zeal, assiduity and ability which in the discharge of those duties you have constantly manifested. I might also add respect for those who have sent you here, for that university which you represent, for that college of which you are a distinguished member, and of which from early recollection I shall always speak with deference and regard. But the combination of all these circumstances, the station which you fill, the manner in which you have filled it, the respectability of your constituents, all tend to give additional weight and importance to all that falls from your lips, and impose a serious duty upon those who cannot accede to the positions you have laid down, and to the course that you have pursued, to state as fearlessly and as distinctly as they are able the grounds of their opinion and the motives of their dissent. These very circumstances therefore plead my apology, and constitute my defence.

But great and important as the situation of the Speaker must always be held in this House, it must also be allowed to be completely under its controul and within its jurisdiction, and in language not now obsolete and antiquated, he is considered to be the servant of the House. As illustrations of this position I need only refer to the cases of 1640 and 1677; the first of which ended in a vote of disapprobation on the conduct of sir John Finch, the second in a question of adjournment on the conduct of sir Edward Seymour.

In describing the part of the speech to which I wish to call the attention of the House, it is almost unnecessary to specify the passages to which I am by no means inclined to offer a contradictory opinion—that part which points out hopes of some boundary being placed to the remorseless spirit of conquest: hopes infinitely more than realized by the exertions of our Allies, the efforts of revived and regenerated Europe, the union of energy and moderation that has terminated in those stupendous events which have stamped the independence of nations, and have assured, I trust for a considerable time, the repose of the civilized world. As little can I differ from that part which paints the splendid career of lord Wellington, whose whole military life in a word is one unvaried theme of panegyric. These passages, speaking as they do the recorded sense of parliament, can excite but one sentiment in the House. But I must quit these cheering and enlivening topics, and it is to remarks of another nature that I must now call the attention of the House: I must request the clerk to read the resolutions upon which the Catholic Bill of last session was founded, and the preamble of the Bill itself. [The resolutions and preamble were read at the table.] And now I beg leave to apply the commentary to the text that has just been read; "Other momentous changes have been proposed. Adhering however to those laws which have made the throne, the parliament, and government of this country fundamentally Protestant, we have not consented to allow that those who acknowledge a foreign jurisdiction should administer the powers and jurisdictions of this realm; willing nevertheless, and willing as I trust we always shall be, to allow the largest scope to religious toleration." Upon the passage I have just quoted, I shall offer this observation, which I have embodied into a proposition, which I shall have the honour of submitting to the House. "That it is contrary to parliamentary usage, and to the spirit of parliamentary proceeding, for the Speaker, unless by special direction of the House, to inform his Majesty, either at the bar of the House of Lords or elsewhere, of any proposal made to the House by any of its members, either in the way of Bill or Motion, or to acquaint the throne with any proceedings relative to such proposal until they shall be consented to by the House."

And first with regard to parliamentary usage, we must have recourse to precedents: the most authentic are necessarily those which are to be found in the Journals of this House; very few appear to have been preserved. I find the speeches of sir Spencer Compton, Speaker Onslow, sir John Cust, and sir Fletcher Norton. The speech of sir Spencer Compton in the year 1715, referring in terms of pointed attack and animadversion upon the treaty of Utrecht, is strictly founded upon the proceedings and preceding addresses of the House.

The speech of Mr. Onslow in 1745, though taking an extensive range, and expressing strong opinions with regard to the situation of Europe, and the conduct of the war, arises out of measures that had met with the concurrence of the House. The speech of sir John Cust is merely complimentary, and refers to the King's marriage. Sir Fletcher Norton's speech, although producing a considerable difference of opinion as to the true exposition of the sense of the House of Commons, applied solely and entirely to the Bill that was then presented to the throne.

In the Journals of the House of Lords a much greater quantity will be found to exist, but the principal part consists of the speeches of sir Edward Turner in the beginning of Charles 2nd's reign. He indeed has contributed not only more than any other Speaker, but almost more than the collective number of the remaining whole. But in the mass, the variety, and luxuriancy of his oratory I cannot discover, although in times of considerable heat and contention, any reference to the conflicts and debates of that period. The same observation applies to the speeches inserted, to the year 1743; at which period they terminate in the Journals of the House of Lords: though occasionally in the reign of William 3d, the Speaker seems to have taken rather a wide view in observing upon the foreign and domestic relations of the country; but I find no reference to measures which had not met with the concurrence of the House.

If we apply to less authentic sources of information, we shall find a copious catalogue of the speeches of former Speakers; in the earlier periods of our parliamentary history we do not discover many remains of the oratory of those days; we hear indeed that sir John Tiptoft was in the habit of addressing Henry the 4th, and that, in the words of Mr. Prynne, the young speaker took much upon him, and that though by this conduct he did not forfeit the good opinion of his sovereign, the licence was afterwards repressed. During the reigns of the Princes of the House of Tudor the materials are more abundant, but upon that period on many accounts I should not be much inclined to dwell: though I should not wish to involve in a general censure the addresses of that time, for in the list of the Speakers of that day is to be found the name of sir Thomas More. But in the greater part whatever meanness could conceive, or flattery suggest, may be abundantly discovered. We find Henry 8th compared in wisdom to Solomon, in beauty to Absalom, in strength to Sampson, and then likened to that glorious luminary the Sun.

We find the same spirit exerted in complimenting queen Elizabeth, though more excusable in that instance. We hear her compared to a queen who made laws before the Deluge, then to Ceres, the whole ending in a fulsome panegyric on the reigning queen—but amidst all the affectation, pedantry and flattery that disgraced the compositions of that period, one principle remained inviolate, that of not communicating to the throne the debates of this House, a sanctuary which even their licentious feet did not venture to penetrate, a line of demarcation which these freebooters into the realms of science, of taste, and of wit, did not dare to transgress. But I should be guilty of injustice if I ventured to censure all the Speakers of that period. I have before mentioned sir Thomas More. There is a Speaker in the reign of queen Elizabeth who seems to have entertained no inaccurate idea of the language that the Speaker might employ. These are the words that Mr. Onslow in the 9th of queen Elizabeth is reported to have used, "Again, when I consider my office as Speaker, it is no great matter; being but a mouth to utter things appointed to me to speak unto you, and not otherwise, which consisteth only in speaking, and not in any other knowledge; whereby I gather how it is necessary I speak plainly and simply according to the truth reposed in me." And again, "Thus it is necessary they elect a plain speaker, fit for the plain matter, and, therefore, well provided to have such a one as should use plain words, and not either so fine that they cannot be understood, or else so elegant that they miss the cushion."—We find the same doctrine maintained by Mr. Powle. "The Speaker is called the mouth and tongue of the House which speaks the conception of the mind; not that he is to make those conceptions, but pronounce what he has in command from the House. Lenthall, the Speaker, told the King, that he had neither tongue, eyes, nor ears, but what the House gave him." Such was the language of Mr. Powle in the debate upon the conduct of sir Edward Seymour in 1677. He was not at that time in the chair; but was afterwards raised to the highest honor ever I believe conferred upon a commoner, that of being Speaker of the Convention Parliament in 1688; and the doctrines that he maintained as an individual member he did not probably belie in the exercise of his new authority.

There are only two instances which appear to be any deviations from the general rule, but they are so slight as to be scarcely deserving of notice. Sir Harbottle Grimstone, soon after the Restoration, in an address to the throne, says, that the Commons agreed to a Bill after some debate, and that is the only instance I have found in which the word debate is mentioned; and it is to be observed, that in the copy of his speech in the Journals of the House of Lords that expression is not employed. The other case is that of sir John Trevor in the 1st of James 2d, where he says that he brings no Bill, but that the House relies upon the assurance of his Majesty. The speeches of Mr. Onslow in the course of the last century take an extensive view of the political situation of the country, but all his observations seem to arise out of acts done and determined upon by the House. But precedents no doubt may exist which have eluded my research; perhaps the ghost of some departed speech may be evoked from its charnel-house of mouldering, dusty, and forgotten papers, to rear its ambiguous form within the walls of this House; but however awed by the supernatural appearance, I shall appeal from the dead to the living, from those that have long slumbered in silence and obscurity to those that have ventured to visit the face of day, and court the light of heaven, those that have not dreaded exposure, and shrunk from publication. It would however be very difficult to find a case precisely analogous. The resolutions passed the House, the principle of the Bill was established in the second reading, the application of the principle in an important point was negatived by a small majority in the committee: in this state of things, the Bill still in existence at the very time that you, Sir, addressed the throne, the principle carried, the application of it negatived, the throne is informed, by what purports to be the collective voice of the House of Commons, that changes of great importance have been proposed, that the House however has not consented to allow persons of a particular class to administer the powers and jurisdictions of this realm.

But even if a precedent were found exactly in point, I should ask if this be a case upon which precedents alone must absolutely decide—is a privilege lost and forfeited by occasional infraction, especially in cases where the attention of the House has not been specifically directed to the object? In what a situation should we now stand, and what a miserable portion of our privileges would now remain, if such doctrines were valid and maintainable.

If I should venture to make any more detailed observations upon this part of the speech, it is not with the design of introducing incidentally and obliquely the great question relating to the Roman Catholics; that must stand or fall by its own merits; it is sufficiently large and important to vindicate to itself a separate discussion. It is solely with the view of endeavouring to point out the mischiefs that may flow from the adoption of such a precedent—

"Momentous changes have been proposed" How? by a message from the throne which required an answer from this House? —No. By whom proposed? By one of your own members; (upon the talents, the services, the virtues of that member, in this view of the subject I am constrained not to dwell) in the reliance at least that if he failed in his great effort, the failure would not be communicated to the throne by any self-constituted authority in this House.—Impelled by what motive, and proposed at whose desire? by the desire, the earnest desire of the Roman Catholics of England and Ireland, in the reliance that if their petitions failed in attaining the object for which they had prayed for so long a period, the refusal of that prayer would not be accompanied by any gratuitous comments in an unauthorized notification to the throne.—But what are these momentous changes? We must infer them, I conclude, from the laws to which we are said to adhere. These are the laws that have rendered the throne, the parliament, and the government of this country fundamentally Protestant. Whatever relaxation may have been intended as to the admission of Roman Catholics into parliament, and into certain offices of the state, how was the throne to be affected? I must leave the resolutions and the preamble of the Bill, which have been lately read, to remove that doubt, and repel that accusation.

"Those who acknowledge a foreign jurisdiction;" and here I think the Roman Catholics have some reason to complain. We have heard of Papists and of Romanists, we are now more accustomed to the more courteous term of Roman Catholics, but this is a new and rather a vague description: but is it perfectly harmless? It is not confined to jurisdiction in spirituals, which would be universally allowed. I find no such limitation; in these days of calumny and invective it might have been well to have abstained from any mode of expression which, in the instance of persons smarting under the cruelty of unmerited imputation, might have the appearance of implying reproach and insinuating suspicion. Then follows a healing sentence respecting toleration; and to this I feel no particular objection, except that I have observed such sentiments as constant ingredients in every speech most decidedly hostile to the claims of the Roman Catholics: and without canvassing the particular properties of this species of toleration, I would beg leave to quote the observation of a very learned and very eminent divine of the church of England, in speaking of toleration with respect to the dissenters, but which I should wish to extend more widely. "There were indeed times when liberal sentiments on toleration could not be maintained without danger; but in the age in which we live, whatever parade, or even condescension and good will, may attend their publication, they are not likely to inspire much either of admiration or gratitude; the profession of any opinion will never be received with applause, when its opposite can scarce be avowed without indignation or contempt."

But it is not to the mere wording of the passage that I should wish to call the critical attention of the House; it is to the danger of the precedent, it is the unfeigned apprehension I entertain that if this course of proceeding be established as a precedent, a future Speaker may think himself justified in availing himself of the occasion of a rejected measure to render it the vehicle of censorious remark, perhaps of sarcastic animadversion. He may not consider himself confined within the terms employed in the Bill; he may affix new denominations to the petitioners, and by the new denominations he may convey hostility, and impute blame. He may select a time at which the petitioners, after a long series of protracted disappointment, may have at length indulged a hope of final success, and have anticipated the dawn of a brighter day: in the extinction of those hopes he may add mortification to disappointment, and may instil suspicion when he announces defeat; he may possibly, in the event of a measure unpopular with a considerable number of persons in this country, increase, if he does not raise, the clamour of the people; in the instance of a measure that may be unpalatable to the ruling administration of the day, he may indulge in observation not unacceptable in that quarter; or indeed by some dexterous combination of circumstances, he may by the same remark accomplish the double object.

It is therefore to guard against dangers that menace alike the freedom of debate, and the right of petitioning, that I should earnestly recommend an adherence to the principle of not communicating to the throne the debates of this House; a principle inherent in the very essence of a free constitution, of which we can trace the first rudiments in times of very remote antiquity, though nearly obliterated under the powerful rule of the princes of the Norman line, when military service and enterprize were the only titles to respect and consideration. But when upon a disputed succession the Commons began to vindicate their share in the legislature of their country, we find that Henry the 4th thought it expedient to conciliate as well as govern his people. Of this a memorable instance is to be found in the Rolls of Parliament in the 2nd of that king, which is thus translated: "Because it might happen that some of the Commons, to please the king, or advance themselves, might relate some things before they were determined, discussed, or accorded to by the Commons, it might please the king to allow no such person to relate such matters, or give any credence to such a party." To which the king answers, "That the Commons should have deliberation to treat of all matters among themselves, in order to bring them to a good end and conclusion for the advantage and honour of his kingdom, and he would not hear such a person or give any credence to him, before such matters were communicated to the king by the advice and assent of all the Commons according to their petition." And in the 9th of the same king is the following entry in the Rolls, "That in all future parliaments it should be lawful as well to the Lords by themselves, as to the Commons by themselves, to debate of all matters relating to the realm, and of the means to redress them, without disclosing the same to the king before a determination made thereof, and that to be done only by the mouth of the Speaker." From these proceedings, and from the articles that were about the same time presented to the king by the Commons, we may infer that the free constitution of this country is not of the modern growth which some writers have supposed. We observe this principle suspended and almost lost during the stormy period of the wars of York and Lancaster, depressed and subdued under the arbitrary domination of the princes of the House of Tudor: reviving however at the opening of the 17th century, opposing itself to the conceited pedantry and self-sufficient ideas of James the 1st, who seems to have mistaken the age in which he lived, and the people whom he supposed he was by some divine authority commissioned to govern. We see it enforced in that memorable Protestation of the 19th of that king, in language worthy of the patriots who presented it, and ennobled by the impotent resentment of the monarch who erased it with his own hand from the Journals, but which survives, a monument of their glory, and of his shame. We see its generous influence pervading the earlier labours of the Long Parliament, till that unfortunate conflict arose which, though it humbled the pride of kings, disgraced the cause of freedom, and closed the eventful scene in tyranny, in outrage, and in blood. We see it again in array against the corrupt, profligate, and mercenary administration of Charles the 2nd, and we hail its final confirmation and establishment in the great work of the Revolution. But I may be told that the entries in the time of Henry the 4th, and the Protestation in that of James 1st, refer only to communications made to the throne by individual members, and not by the Speaker. I would, however, beg leave to ask those who make that distinction, what would have been the opinion of the parliaments of that day if the communication had been made in their names but without their authority, without, as it is expressed in the answer of Henry the 4th, the advice and the assent of all the Commons of England. It is therefore to preserve this principle, not merely valuable from its antiquity, but as infusing life, spirit, vigour, and animation into the whole system of parliamentary proceeding, that I now venture to call upon the House—it is not with the comparatively contracted view of making a personal attack upon an individual, however conspicuous may be his station; it has I trust a nobler aim, and is directed to greater objects. It is calculated I hope to preserve the source, whence the principles of a free constitution are derived, pure and untainted; to induce you to watch over (to use the words of Mr. Burke) the sacred fire of an eternal constitutional jealousy, the guardian of law, of liberty, and justice. And at what time do I beseech you? at a time when the constitution of this country, long said to be the envy and admiration of the world, the theme of the eloquent, the meditation of the philosopher, is assumed, practically assumed, as the model from which the infant liberties of other countries are destined to receive their impression and form. It is to raise, therefore, that spirit of wholesome jealousy, of legitimate suspicion, more necessary perhaps during the prevalence of general satisfaction, in the noon day and sunshine of prosperity, than during the gloomier hours of doubt, uneasiness, and suspense; for without the superintending agency, the salutary exertion of those qualities, events would occur, perhaps not in a very rapid, but in a sure and inevitable progress, which would lead to the dereliction of your privileges, and with the dereliction of your privileges, the degradation of your dignity, and the prostitution of your independence. I shall conclude with moving, "That a special entry be made in the Journal, That it be not drawn into precedent for any Speaker, except by the special direction of the House, to inform his Majesty, either at the bar of the House of Lords, or elsewhere, of any proposal made to the House by any of its members, either in the way of Bill or Motion, or to acquaint his Majesty with any proceedings had thereupon, until the same shall have been consented to by the House."

The motion having been read,

The Right Honourable the *Speaker* addressed the House to the following effect:

After the motion of the noble lord, prefaced with whatever forms of personal civility, but implying, necessarily implying, a grave and serious charge of misconduct in the Speech delivered by me at the bar of the House of Lords at the close of the last session, the House will naturally expect that I should be desirous of now offering myself to their attention.

I should be very sorry indeed to be thought insensible to the peculiar course of proceeding adopted by the noble lord, injurious also, as I think, to the character and dignity of the House; but nevertheless I shall abstain from all further comment on that head. I shall abstain also from discussing, in any degree whatever, the merits of the great political question to which the charge relates, a question which I am not this day called upon to argue.

Denounced however long since to this House, as "the unauthorized and unauthentic expositor of its opinions,"—whose conduct was "objectionable on solid and constitutional grounds," and whose speech in the name of this House deserved "reprehension,"—I confess I did expect from the justice and plain-dealing of the noble lord, that he would this day have brought forward some charge in express and direct terms, and have demanded a distinct vote of censure. But although his motion seeks only to establish some prospective regulation, which in this place it is not for me to debate; and although it proceeds upon principles and facts, which (however they may appear to me to be quite irrelevant to the existing case) I am not at liberty to discuss; nevertheless, as it is founded wholly upon an assumption of misconduct on my part, which it desires may not be drawn into precedent hereafter, I presume the House will allow me to lay fully before them those considerations upon which I trust it will appear that such an accusation is entirely groundless.

Upon this subject, I conceive that there are substantially two distinct questions to which I am called upon to answer in my own vindication; first, Whether, according to the usage of parliament, the proceedings in this House upon the Roman Catholic Claims were fit matter to be mentioned or adverted to, in such a speech, at such a time? secondly, If fit to be mentioned at all, were they mentioned in a proper manner?

Upon the first question, Whether the proceedings in this House upon the Roman Catholic Claims were fit to be mentioned in such a speech, at such a time?

I very humbly submit to the House, That according to the usage and practice of parliament, all or any of the principal objects which have employed the attention of the Commons during the session, may be fit matters to be mentioned in such a speech.

The rule and practice are so laid down in the Text book which we justly allow to be the best authority upon our forms of proceeding: the Journal entries of the House of Lords, where these speeches are necessarily noticed, are consistent with the rule so laid down; and so are some of the principal instances and authorities of which we have any memorial during the course of the last century.

In Mr. Hatsell's book, which we acknowledge as our best Text book, the rule is laid down thus; "It has been customary for the Speaker in presenting any Bill of Supply at the close of a session, to recapitulate the principal objects which have employed the attention of the Commons during their sitting."

The Journal entries of the Lords are the regular and authentic evidence of the usage upon this head; but in looking through these entries, we must always bear in mind, that the speeches made upon presenting Bills of Supply at the usual period of closing a session, are the only cases strictly applicable to the present question.

The earliest of these speeches mentioned in the Lords' Journals, is in 1509, in the reign of Henry 8; and at first the entries state only the general substance of these speeches. In the reign of Elizabeth some are given by D'Ewes *in hæc verba.* There is a speech by Lenthal in 1641 given at length in the Journal; and several others of the same sort in the reign of Charles 2. In the year 1689, two such speeches are entered; but none during the rest of king William's reign, nor any during the reign of queen Anne. There are only four by Mr. Compton during the reign of George 1, in the Lords' Journal, and one in the Commons' Journal. But from the year 1721 to this time, there is no prorogation speech entered at length in either Journal, except one by Mr. Onslow in 1745, which was entered in the Journal of this House at the commencement of the following session.

The ordinary form of entry in the Lords' Journal from the Revolution to the present time has been, that "the Speaker after a speech,"—sometimes stated to be "a long speech,"—sometimes "a short speech;"—or, "after a speech upon the Bills passed and to be passed,"—or "after a speech in relation to the Money Bills and other matters," presented the Bills of Supply. There are not fewer than fourteen speeches of Mr. Onslow noticed in this last manner upon the Lords' Journal, as embracing "other matters" besides the Bills of Supply; and the same form of entry is also to be found in the early years of the present reign.

Amongst the instances and authorities contained in these entries, abundant proof will be found of the extent to which this usage has prevailed in all times. Upon a general view of the subjects to which these speeches have extended, it appears, that some of the earliest relate not only to Bills of Supply; but take notice also of the principal other Bills, which had been previously passed in the same session. In the reign of James 1, they dwell at considerable length upon "other matters" transacted or debated in parliament, which were not of a nature to be formed into Bills, or tendered for the royal assent. Lenthal's speech in 1641, and the many speeches in the reign of Charles 2, are extremely comprehensive in their topics, even stating the points upon which differences of opinion had arisen, and their result upon debate. The speech of Mr. Compton in 1715, printed by order of the House of Commons in their own Journals, embraces a large compass of various matters; and Mr. Onslow's speech in 1745, printed with the like approbation, reviews the whole state of public affairs in and out of parliament: the speech of Mr. Compton states the Impeachment which the Commons had commenced against the ministers of the crown for the peace of Utrecht; and that of Mr. Onslow states the result of their enquiries into the recent misconduct of the naval commanders in the Mediterranean. None other of Mr. Onslow's speeches, during the 35 years that he presided in this place, are printed at length in the Journal of either House; but the few which have been published in the historical memorials of the last century, sufficiently prove that the same practice continued to prevail.

Upon a more particular examination of the speeches made during the last century, it will be seen, that they have extended not only to Bills offered for the royal assent, and matters upon which the House had expressed its opinion by address; but, that they have also entered at large, into various other public occurrences at home and abroad, upon which parliament had employed its time and deliberations; and although it does not appear, that this House had directed them to be presented to the sovereign in any manner whatever, by Bill or otherwise.

Thus, the voluntary associations and subscriptions entered into by the people in times of rebellion, and their legality under the circumstances of such a crisis, are enlarged upon by Mr. Onslow at one period: and at another, he enters at length into the general impolicy and ill consequences of all continental wars and alliances.

But, beyond these matters of general concern and notoriety, it has also been deemed within the province of these speeches to advert to proceedings within the walls of parliament, some of which, although of a legislative character, were not in progress or preparation for the royal assent, and others exclusively concerned the privileges of this House.

Thus, after the miscarriage of admirals Matthews and Lestock in the Mediterranean in 1744, Mr. Onslow, in presenting the Bill for regulating courts martial, states not only the effect of that Bill, but enlarges also upon the general necessity of a more extensive reformation of those courts; and that speech was sanctioned afterwards by the approbation of this House. And thus again after the rebellion of 1745, Mr. Onslow, in presenting the Bill for more effectually disarming the Highlands of Scotland, proceeds to detail other measures for completing the Union, by reforming the jurisprudence of the Highlands of Scotland; and (without any fear of reprehension) states various opinions upon the unsettled condition of that part of the kingdom, and the expediency of abolishing the heritable jurisdictions, as laying the foundation of future Bills, in some future session.

Even the peculiar privilege and concern of the House of Commons, its employment in determining upon contested elections, was included by Mr. Onslow, in rendering an account to the sovereign of the objects which had occupied the time of the Commons in the session of 1755. And sir Fletcher Norton, pursuing the same course, informs the King, in 1775, of the satisfactory mode in which the members of the House of Commons had executed the Act of a former parliament for determining contested elections; upon the merits of which Act, he also very justly enlarges.

If, besides these instances, it is required to produce some specific precedent of a speech, noticing any question or Bill negatived in either House of Parliament; it is to be observed in the first place, that of the prorogation speeches actually made during the last century, very few not more than eleven in fourscore years) having been published, nothing can be affirmed with absolute certainty, of the frequency or infrequency of such specific cases; but the general principle and practice already stated, will be found to comprehend every such case; nor has any such doubt been entertained hitherto. Two very striking proofs may be adduced, that such a doubt can have no parliamentary foundation.

From the access allowed me by the present lord Onslow to his father's parliamentary papers (a kind and liberal indulgence by which I have long and often profited), it appears to have been the distinct and deliberate opinion of Mr. Onslow, that it belonged to the province of the Speaker, in presenting Money Bills, to advert not only to Bills which had received the royal assent, or were in readiness to receive it, but to those also, which, after having occupied the attention of the House, nevertheless had failed in their progress; and upon that opinion Mr. Onslow was prepared to have acted.

This case occurred in the year 1758, when several Bills (one of them for a more speedy remedy for the subject upon the writ of Habeas Corpus), which had passed the House of Commons after long debates, were thrown out by the House of Lords; and yet upon the failure of these Bills, and their value and importance to the constitution, Mr. Onslow thought it his right and duty to have animadverted; as appears by a copy of his speech indorsed in his own hand as designed to have been spoken, and which he was prevented from delivering, only by the accident of his Majesty's sudden indisposition, which disabled him from coming in person to prorogue the parliament. I cite this, therefore, only as an evidence of Mr. Onslow's opinion; but more conclusive evidence of it can scarcely be imagined.

The other case to which I would request the particular attention of the House, occurred in later times, upon the very subject to which the present discussion relates, and is intitled to the highest respect from the eminent character of the person whose authority it bears. In the year 1792 in the parliament of Ireland, a Bill was brought into the House of Commons for the relief of the Roman Catholics, by admitting them to the profession of the law, allowing their intermarriage with Protestants, and improving their condition in other respects as to education and apprenticeships. After the second reading of this Bill and its first commitment, a question arose upon a petition from the then Roman Catholic committee, signed by Byrne and others, praying the elective franchise, and this petition, upon full debate and a division, was rejected. At the close of the session, the Speaker, Mr. Foster (who though present I may name historically), a name never to be mentioned but with honour, on presenting the Money Bills, although there was not on that day any Bill whatever concerning the Roman Catholics presented to the throne, thought it his duty to advert to a subject of such high importance, and emphatically to state the sentiments of the House of Commons upon the indispensable necessity of a Protestant parliament and Protestant ascendancy. For that speech, not questioned as unconstitutional, he upon the same day received the thanks of the House of Commons.

Upon reviewing the whole of the first

question, the main criterion by which the topics of their speeches have been selected, appears to have been the political importance of the measures which have employed the attention of the House of Commons during the preceding session; unlimited by any consideration of their progress, or their failure.

And without entering into the merits of the particular subject introduced into the speech now in discussion, its paramount importance at least must be acknowledged on all sides; whether it be, as alledged on the one hand, a measure indispensable to the strength of the empire; or whether it be, as alledged on the other hand, subversive of the present fundamental laws of the constitution.

All therefore that I need assert upon this day is, the importance of the subject; and that its importance alone, not only justified the noticing it, but required that it should not be passed over in silence; even if no Bill had been finally presented for granting to Roman Catholics any species of relief whatever; an occurrence which nevertheless actually made part of this transaction, and necessarily brought the subject under the legislative consideration of the sovereign.

The second question is, Whether the proceedings in this House respecting the Roman Catholic claims, if fit to be mentioned at all in such a speech, were mentioned in a proper manner? And upon this point I submit to the judgment of the House, that the proceedings were stated with truth and correctness.

At the end of the session of 1812, this House laid before his royal highness the Prince Regent their resolution to take into their most serious consideration the laws affecting his Majesty's Roman Catholic subjects in Great Britain and Ireland; and at the close of the last session, the Roman Catholic question having been before parliament from the earliest to the latest period of its sittings, the larger relief which was prayed had not been granted, but a Bill of subordinate relief brought down from the Lords, (the duke of Norfolk's Bill) had been passed. Upon this double result, the entire passage in the speech complained of ran thus; after noticing the Sinking Fund Bill, and the East India Bill, it proceeded as follows:

"But these are not the only subjects to which our attention has been called. Other momentous changes have been proposed for our consideration. Adhering however to those laws by which the throne, the parliament, and the government of this country are made fundamentally Protestant, we have not consented to allow, that those who acknowledge a foreign jurisdiction should be authorized to administer the powers and jurisdiction of this realm; willing as we are nevertheless, and willing as I trust we ever shall be, to allow the largest scope to religious toleration."

In the first division of this paragraph, the fact is stated; namely, that the House did *not consent* that the Roman Catholics should be authorized to administer the powers and jurisdictions of the realm:—Could less be stated? Did not the petitioners pray for this right? Was not the question put and decided against it? For by all sides it was agreed that the seat in parliament constituted the chief object of this claim, and virtually included all the rest.

That a repeal of disqualifications was asked, and not granted, is indisputable. The going into a committee of the whole House was to consider, and not necessarily to grant. The Bill and its second reading implied an agreement to the principle of granting some relief, but did not and could not decide what specific relief; and the main enactment proposed in the committee for granting political power was there negatived.

In this narrative of the fact, there is nothing asserted of the Bill having been rejected; nor of any determination prospectively not to grant the same or other privileges, if upon re-consideration, or at any other time, and under any change of circumstances, it should be thought expedient.

It states what the House at that time did; it adhered to the laws as they now are,—describing their nature. It states what the House did not; it did not consent to the change: and it describes the Roman Catholics by their own characteristic distinction; namely, of persons "acknowledging a foreign jurisdiction."

So far as the statement of the fact alledges also the grounds and principles upon which the determination of the House rested; namely, by describing the laws as they now are, to be "those by which the throne, the parliament, and the government are made fundamentally Protestant;" and also by describing the Roman Catholics to be persons "acknowledging a foreign jurisdiction;"—I conceive that it is strictly within the right and duty of the Speaker to alledge the grounds and principles upon which any measure appears to have been decided, subject of course to the judgment of the House; it is expressly so laid down by that authority which we habitually consider as the best upon such subjects; and the question, so far as regards the Speaker's conduct in that respect, will not be upon the abstract validity or invalidity of the principles themselves; but whether he has fairly collected, and truly stated, those principles which were actually adduced in debate, and apparently relied upon by the majority in support of their determination.

As to the technical objection, thrown out in the preliminary debates upon this proceeding, and again revived by the noble lord,—That the Speaker can know nothing of what passes in a committee, either as to the proceeding, or as to the reasons upon which the proceeding is founded;—in the first place, it is strictly his duty to be there "as Speaker," and to be conusant of all that passes, although by indulgence his absence may be excused; and it is so much his duty to be present, that if necessary he may (as has happened in my own time) upon his own observation of what is passing, and upon his own responsibility, take the chair "as Speaker" without the leave of the House, to put an end to any disorder that may arise in the committee.

But beyond this, it is in every parliamentary sense, known to the Speaker, "as such," that any Bill has been committed; that the Bill has not come out of the committee; and in the committee book he will find recorded the exact proceeding upon which the Bill came to its end; for the committee books, made up, and preserved in due series, are of the same authority, in their degree of importance, as the Journal book itself; and the modern usage of printing only the latter, does not annihilate the authority of the former.

Upon such a technical objection, contradicted by theory and fact, I should not have expected that any person, versed in the forms of parliament, would have attempted to raise up the pretence of an argument.

As to the concluding part of the paragraph now under consideration, stating the general disposition of parliament, "to grant religious toleration;" this disposition had been recently exemplified by that other Bill upon the same subject, passed at the close of the same session; by which Roman Catholics to whom the larger relief had not been granted, had nevertheless been placed upon a more perfect footing of toleration than they had before enjoyed.

And the subject of concession to the Roman Catholics having been thus necessarily presented to the consideration of the sovereign by this latter Bill, the line by which parliament had limited the provisions of this particular measure, was made the more clear and distinct, by previously pointing out the larger extent to which it had not thought fit to proceed.

Such a statement of the whole of these proceedings, and their result, appeared also to be more suitably addressed to the sovereign, this House having previously informed him of their resolution to enter upon this subject; and his prerogatives and duties being highly concerned in all measures which regulate the qualifications required by law for executing the political powers and jurisdictions of the realm.

Upon the whole matter now before the House, I humbly submit to its consideration;

That the Speaker of the House of Commons is authorized by the usage of parliament, on presenting Money Bills at the close of a session, to address the sovereign upon the result of any of those proceedings which have principally employed the attention of the Commons during the course of the session: that the political importance of those proceedings, and the length of time and attention which they may have occupied, are to be the just criterion of his selection; and that where any Bill is passed, upon any part of a subject important in itself, it becomes more especially his duty to explain the whole proceedings belonging to it, in their true extent and effect.

Great names and long experience have sanctioned these opinions; with these guides and lights it might have been presumed that the path of duty was plain and safe; and by showing that I have conformed to these authorities, I trust that enough has been done to establish my justification.

Upon the noble lord's proposition however, as a prospective rule, it is not for me to sway the deliberation of the House, or to dwell at large upon the broad and manifest distinction between the rules which are necessary for protecting the freedom of our debates, during the continuance of a session, and those which are to govern the historical narrative of its proceedings, when the session is come to its end.

But nevertheless, upon this, as upon all other duties of the Speaker's office, if the House, which has hitherto forborne to give him any special directions, should undertake to lay down new regulations, or give a new interpretation to existing rules, prescribing narrower limits to his delegated authority, and abridging the discretionary power with which he has been hitherto intrusted, it will be for the House to weigh well the necessity or expediency of any such regulations; and if such regulations shall be established, it will be for him to conform to any such commands with the most implicit obedience.

For myself I have only to add, with my humble thanks to the House for their indulgent hearing, that in considering the duty which I had to discharge at the close of the last session of parliament, I saw the proceedings upon the Roman Catholic claims amongst the most important in character, and the longest under discussion; I conceived it therefore to be incumbent on me to state the result; and that statement I made.

If in this transaction my conduct shall incur the displeasure of the House, even by any indirect or implied vote of censure, I shall deeply indeed lament it as a heavy misfortune; but I shall stand for ever wholly acquitted to my own conscience, from any intention to do otherwise than execute with firmness and fidelity what appeared to my understanding to be a duty which I owed to the House, whose servant I am, and to the nation, whose representatives we all are.

I now deliver up, without fear, though not without concern, the consideration of my conduct, which the noble lord has thought fit to arraign, and upon which this House is substantially called upon to declare its judgment.

Mr. *Whitbread* said, he felt himself called upon, not only to make some observations on the Address which Mr. Speaker had delivered at the bar of the House of Lords, but on certain expressions which were contained in the speech which the House had just heard. He (Mr. Whitbread) remained of the same opinion now, after he had heard the speech of the right hon. gentleman (imbued, as it was, with all the learning he had collected on the subject), as he had formed before it was delivered. With all the respect he felt for the right hon. gentleman's functions, as Speaker—with all the esteem he felt for him, individually, as a man—he still remained of opinion, that he had no authority, indirectly from precedent, nor directly from that House, to make the communication which (being, as he had himself stated, the servant of that House) he had done to the throne, at the close of the last session of parliament.—In thus acting, he had transgressed the bounds of his duty;—and therefore, he must contend, that the communication he had thought fit to make was not authentic. It was needless for him, nor was that the time, after the number of years during which the House had witnessed the conduct of the right hon. gentleman in the chair, to pay him those high compliments which were due to his abilities, and which, on other occasions, he (Mr. Whitbread) had not withheld. His duty now impelled him to pursue a different line of conduct: he was obliged to address the right hon. gentleman in other terms;—and, in doing so, he could only wish, that his observations had been directed to any other person. He felt, as the right hon. gentleman seemed to do, that some cause of complaint, if not of direct accusation, should have been advanced against him in the motion, on which the House would have had an opportunity of coming to a clear determination. But, what was matter of more concern, he thought that that House, the representatives of the people of England, should have a charge before them, as direct as words could make it; including every one of those particulars, which, to the right hon. gentleman, appeared of little moment, but which, to him, seemed pregnant with matter of very great aggravation. The right hon. gentleman had alluded, as was anticipated in the eloquent, manly, constitutional speech of his (Mr. Whitbread's) noble friend, to the authority of Mr. Speaker Onslow. From his treasures, it appeared, he had made a selection; but he was not the only person who had had access to them. Mr. Hatsell also had recourse to these papers; and in availing himself of Mr. Speaker Onslow's knowledge, he had, somehow or other, omitted that strange and particular speech which Mr. Onslow intended to have made, but never did make, at the bar of the House of Lords. He should like to peruse that speech, which never had seen the light, which Mr. Hatsell had not used, and which, as it was stated, did not appear to him to bear upon the case. In stating the reason why that speech was not spoken, he thought the right hon. gentleman had gone too far. He observed, that it was not delivered; and then he proceeded to tell the House the reason why. But if he had intended to speak it, might not his forbearance have arisen from an after-consideration, that such a course was entirely unconstitutional?—As the motives which led to Mr. Speaker Onslow's determination were thus unknown, he conceived that he was justified in dismissing the precedent. He would next notice the precedent from the other side of the water—from the Irish House of Commons.—Now, the speech delivered by Mr. Speaker Foster, whom he was happy to see in his place, was not at all analogous to that delivered by the right hon. gentleman; who had informed the Prince Regent, then supporting the dignity of the crown, that the House of Commons had entertained certain measures, which were defeated—and he stated the reason which occasioned that defeat.—Now, in the first place, did Mr. Speaker Onslow, at any time, give such an intimation to the crown? Even in that speech, in which the right hon. gentleman observed he had taken so wide a scope, and travelled so far, by land and sea, on the affairs of Europe, in 1745, did he not conclude, by observing that these were the inducements which led to the passing of the Bills then presented by him? In one instance, indeed, his conduct was somewhat different—that was, where he spoke of an investigation into the situation of certain officers, which terminated in an Address. As to the second precedent, it was still less to the point. Mr. Speaker Foster, in the Irish House of Commons, according to the opinions he was well known to entertain on the subject of Catholic emancipation, stated at the bar of the House of Lords, that the wealth, improvement, agriculture, and manufactures of the kingdom, depended on preserving the Protestant ascendancy in Ireland. But he did not tell the lord lieutenant, exercising the authority of the crown in that country, that certain measures had been proposed in the Irish House of Commons—that they were defeated, and the reasons which occasioned that defeat. He would recommend to any gentleman, with whom that authority, as quoted, was likely to have the smallest weight, to read the short speech of Mr. Speaker Foster; and, if he could point out any single word which conveyed information similar to that given in the speech of the right hon. gentleman, he would willingly acknowledge that he was in error. Some of his hon. friends had suggested to him the propriety of having that speech read from the Journals of the Irish House of Commons, as it would place the subject in a much clearer point of view; and, although he did not intend originally to take up the time of the House by such a proceeding, yet he now conceived it proper to accede to their wishes.

[The Speech was here read; which, after adverting to the spirited endeavours made by parliament to prevent the increase of the national debt, proceeded to notice the degree of prosperity and wealth, never before experienced, which the nation then enjoyed; but which would soon cease, if not cherished and maintained by that admirable constitution, which protected the liberty and property of every class of society. The preservation of that constitution was always the great object of their care; and nothing was so essential to its preservation, as the support of that Protestant ascendancy, by which the crown of these realms was conferred on the House of Brunswick.]

Mr. Whitbread proceeded to say, that the speech of Mr. Foster having been read, for the information of the House, he called upon any gentleman who then heard him, to shew any part of it by which the conduct of the right hon. gentleman could be justified. All that Mr. Foster said, was, that the only means of preserving the blessings which the country enjoyed was, to maintain the Protestant ascendancy inviolate. He did not inform the lord lieutenant, as the right hon. gentleman had informed the throne, that the state had been endangered by certain measures, which were intended to give the Roman Catholics the right to sit in parliament; but which had been defeated by the House of Commons, who thought it inexpedient to alter the Protestant constitution of the empire. There was not one point of ground, in the whole of Mr. Speaker Foster's speech, on which the right hon. gentleman's conduct could stand. There was another point, which the right hon. gentleman had treated with much levity in his speech delivered that night, but which appeared to him (Mr. Whitbread) of so much importance, that it formed part of the amendment which he intended to propose to the motion of

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his noble friend. The passage to which he alluded, was that wherein the right hon. gentleman stated, that he was, as Speaker, bound in duty to attend the committees of that House, and, if necessary, to restore order, in that capacity. But he should have recollected the description which Mr. Hatsell had given of the situation of Speaker. The individual holding that office was the only member exempt from attendance on committees—he was the only member who could not be compelled to appear; contrary to the rules by which every other member was bound, the Speaker could not be forced to come forward to give his vote. He would refer the right hon. gentleman to his own text-book—he would refer him to Mr. Hatsell—for this doctrine. He was not obliged to attend committees; and, if he did appear, he could only vote as a private member—he was not recognised in any other capacity. The Speaker, on such occasions, was supposed to be in his private room; and, on a division, he was not expected to come out of it.—The right hon. gentleman, when the Catholic Bill was before the House, did, for the first time, think proper to come out of his private room. He meant to speak technically. The right hon. gentleman then delivered his opinion. It was strange, that he had not taken part in the debates at a former time, when party feelings were carried to a height never before known in this country—to a height, which those who had witnessed the debates in that House never could forget. If the right hon. gentleman had then stated his sentiments—if he had then endeavoured to assuage the acrimony of party, and to restore order—it might have been of use. But he never delivered his sentiments on that measure which was now called the duke of Norfolk's Bill; but which, in 1807, when the right hon. gentleman filled the chair, bore the name of a noble relative of his (viscount Howick, now earl Grey), and which occasioned the dissolution of the administration of that day. He contended, that as Speaker, the right hon. gentleman could not, except by way of instruction from the chairman of a committee, be put in possession of the circumstances which occurred in that committee. And such were the extraordinary proceedings of that particular committee which sat upon the Catholic Bill, that even from the chairman he could not have received any information. The House of Commons, after long deliberation and mature reflection, sent the Catholic Bill to a committee. By a majority of four, the clause which gave the Roman Catholics a right to sit in parliament was lost; the right hon. gentleman being one of those who voted against it. When he resumed the chair, no report was made to him from that committee: there was not, therefore, any proceeding before the right hon. gentleman on which he had a right to act, when he declared that the Bill was defeated. The Bill, at the time the right hon. gentleman made the statement, was in existence and alive. (Hear, hear!)—Was this, then, an authentic exposition of the sentiments of the House? Did the right hon. gentleman not know—could he pretend not to know, that the Bill had not expired?—(Loud cries of Hear! and Order! from the ministerial benches.) Mr. Whitbread observed, that he was called upon to speak out, and he would speak out. Could the right hon. gentleman explain the motives on which every individual acted on that occasion? If in 1807, the right hon. gentleman had stated that the provisions of lord Howick's Bill were rejected, because they would endanger the constitution—those provisions which were since happily introduced in the duke of Norfolk's Bill, those provisions now passed in England, and so long promised to the Catholics of Ireland—would that have been a fair exposition of the sentiments of that House? And, when Mr. Speaker Foster made his exposition on the necessity of the Protestant ascendancy in Ireland, had he in his contemplation, that, in the very next session of the Irish parliament, some of those concessions were granted to the Catholics, and were passed into a law, which had been previously refused? (Hear, hear!) This proved the impropriety of adverting to measures, which were only laid aside for a moment; which might be introduced, successfully introduced, in a very short time after their defeat was announced. As a private member, the right hon. gentleman certainly had a right to speak in a committee; but as Speaker he had no right afterwards to mention what had passed. He had no right whatever to make the exposition he had done, and which he (Mr. Whitbread) considered a violation of duty, from beginning to end—(Hear, hear!)—aggravated by the situation in which he was placed. The right hon. gentleman had quoted Mr. Hatsell. He (Mr. Whitbread) would refer him to that part of it, where the answer of Mr. Speaker Lenthall was to be found, who, when king Charles demanded the five obnoxious members, answered, "I have neither eyes to see, ears to hear, nor tongue to speak, but as the House directs." The right hon. gentleman's conduct had been very different—it differed essentially from that which should be the conduct of every Speaker. He had used his ears to hear, and his eyes to see, as a private member of parliament; and used his tongue, as Speaker, to give utterance to that which he had no right to state. (Hear, hear, hear!) This was the view he had taken of that part of the right hon. gentleman's speech. If he applied himself to the other topics contained in it, he might join his noble friend in praising the eloquence with which the right hon. gentleman had descanted on the brilliant achievements of our army, which had so frequently demanded the thanks of the House—those recorded congratulations called forth by great events—and now happily terminated by the glory of the allied arms, and by the more transcendant glory of moderation. Here he was willing to give every praise, that nervous eloquence, employed on a subject most grateful to all their hearts, so well deserved—he might even overlook the observations on the new financial arrangements, which, the right hon. gentleman seemed to think, would produce effects even beyond the comprehension of the Chancellor of the Exchequer, or of any other of his Majesty's ministers. (A laugh.) But, when he considered that part of the speech which had occasioned the present discussion, he found what he never could conceive to be any thing but a direct violation of duty, and which, therefore, deserved the severest censure. As the right hon. gentleman had expressed some dissatisfaction, because a direct resolution was not moved on the present occasion, he (Mr. Whitbread) would now submit one, as an Amendment, which, he believed, was couched in terms sufficiently direct. He then moved—

"That all the words after the word 'That' be omitted, for the purpose of introducing, "it appears to this House, that Mr. Speaker did, at the close of the last session of parliament, at the bar of the House of Lords, communicate to his royal highness the Prince Regent, certain proceedings of this House, had in a committee of the whole House, relative to his Majesty's Roman Catholic subjects, which did not terminate in any act done by this House; and did at the same time inform his Royal Highness of the motives and reasons which he, Mr. Speaker, assumed to have influenced the members of the House voting in committee, in their determination thereupon; and that Mr. Speaker, in this speech so addressed to his royal highness the Prince Regent, at the bar of the House of Lords, was guilty of a violation of the trust reposed in him, and a breach of the privileges of this House, of which he is chosen guardian and protector."

Mr. *Creevey* seconded Mr. Whitbread's Amendment.

Mr. *Bankes* lamented, that the hon. gentleman who had just sat down had not scrupled to charge the Speaker, in distinct language, with a gross violation of his duty and of the privileges of that House, in consequence of a line of proceeding which appeared to him (Mr. Bankes) perfectly consistent with the established usages of parliament. The ground laid for this charge was, that the proceedings on the Catholic question, to which the Speaker in his address to the throne had alluded, had not produced any positive result. But he conceived, that all those questions on which the House had employed much of their time and attention, whether relating to matters of a foreign or domestic nature—to business begun or concluded, were proper topics for the Speaker to enlarge upon at the termination of the session. This was the opinion of Mr. Hatsell, than whom a higher authority could not be referred to; and in looking over the different facts and cases with what attention he was able to bestow upon them, he had found him strictly borne out in this conclusion. It had indeed been stated, that there was no distinct instance of a rejected proposition having been introduced as a subject of comment in any such address to the throne. But more than this had been proved. Instances of still greater latitude had been brought forward, in which a reference had been made to measures not even begun upon, but merely in future contemplation. An objection on which much stress had been laid was, that the Speaker was not bound to appear in a committee;—but he was not excluded from being present; and if so, was he, as soon as it was over, and he resumed the chair, to shut up his understanding to all that had passed, and to become suddenly blind and deaf? Was there any precedent in support of this argument? Or was lord Grenville to blame, because in an important and momentous question before a committee, at the time he was Speaker, he had risen and taken part in the debate? [Hear, hear, from Mr. Whitbread.]—Besides, whether the Speaker were supposed to be present or not, the proceedings of a committee were regularly inserted in the Journals of the House, and the Speaker could not possibly remain ignorant of the contents of those official records of which he had the chief jurisdiction. Again, it was insinuated, that the speech of Mr. Onslow, which had been intended to be spoken, and was not spoken, had been omitted, because, on reflection, he had discovered its impropriety. But suppose (which was the fact) that this speech had been found with an indorsement in the same hand on the back, "Not delivered because the king was not present," would not this be as good authority for the opinion of Mr. Onslow on the subject, as if it had been actually delivered? He (Mr. Bankes) could not think that any thing had been advanced to justify either the censure proposed in Mr. Whitbread's amendment, or the original motion of the noble lord. It was incumbent on those who wished to introduce a novelty of such a nature as was implied in the proposed restriction of the discretionary power of the Speaker on these occasions, to shew some great inconvenience which had arisen, or was likely to arise, from the abuse of it. But nothing of this kind appeared. It was pretended, that the toleration of this practice might interfere with the freedom of debate. But there was an important distinction which gentlemen did not attend to, between business pending before the House, and business finished, as it always must be at the end of a session. The address delivered by the Speaker to the sovereign could not therefore interfere with the freedom of discussion, as, by the supposition, all discussion must be at an end. The general question was simply this, Whether gentlemen would argue, that no negatived motion could ever be made a subject of allusion in the speech to the throne. But would any one say, that if the East India Bill, which had occupied so much of their attention last year, had not been completed, it would have been improper to make any communication on that important subject to the throne? The hon. member concluded with saying, that, when both the motion and amendment were disposed of, he thought the House should come to some specific statement on the subject; and he read a Resolution which he had drawn up on the occasion:

"That it has been customary for the Speaker of this House, on presenting the Bills of Supply at the close of a session (the King being present on the throne), to make a speech at the bar of the House of Lords, recapitulating the principal objects which have employed the attention of the Commons during their sitting, without receiving any instructions from the House as to the particular topics, or in what manner he should express himself; and that nothing has occurred which calls for any interference on the part of this House for the regulation of the conduct of the Speaker, either at the bar of the House of Lords or elsewhere."

Mr. *C. W. Wynn* said, it would have been more pleasant to his feelings, could he have reconciled it to his public duty, to have remained silent; but when he witnessed such a question, when he saw a rule about to be laid down for the guidance of future Speakers, he felt it to be his duty to give his opinion. An attempt had been made by the last speaker to justify the whole of the Speech which gave rise to the proceeding in debate; and that hon. gentleman had slipped in a word as of the greatest importance—"at the close of a session." He should be glad to be informed how the Speaker could know that it would be the close of the session. A speech might be addressed to the throne at any time when the House of Commons should be called to attend it; and therefore it might have happened, that the observations which were made might have occurred at any other period of the session. It had undoubtedly been the custom from time immemorial to address the crown on presenting any Bills of subsidy, but never on any other Bills. It was true that on some occasions Speakers had entered into a wide field of observation, and launched into a description of foreign and domestic policy; but no opinion had ever been given as to those Acts which had passed the House, far less on those which had remained incomplete. It was well known, that one House of Parliament had never been made the seat of record for the other; and no information of their proceedings was therefore to be given, unless it were such as should be indispensably and absolutely necessary to be given, in demanding the royal assent to a Bill of subsidy. The hon. gentleman contended, that the speech of the Speaker was calculated to supersede the necessity of addresses. It had never been the custom to allude to Bills which were incomplete; and such a practice was unauthorized by any precedent. In the speeches of Mr. Speaker Onslow, or indeed of any other Speaker, no similar fact was to be found. Much had been said of Hatsell's Precedents, and the authorities contained in it had been dwelt on with great confidence; but it should be remembered that it was not a book that could be relied on as a great constitutional authority; and, indeed, it was a work that would be found, by those who examined it, to be very incomplete. In former times, several members had been committed to the Tower for informing the king of what had been done by other members in that House, even after the session had closed; and, indeed, Bills might go over from session to session, as was the case when they were left in committees, and taken up in that stage a second time. The Bill to which the Speaker had alluded had not been negatived; but those who were favourable to it had, in committee, moved the chairman out of the chair; and therefore the probability was, that the Bill would be reproduced. He had not anticipated that the distinction between that knowledge acquired by the Speaker in his public quality, and that which he had obtained in a private manner, would have been treated with so much levity. He was sure the distinction was an important one, and such as ought to have been attended to. If the Speaker was at liberty to speak of those measures which were not completed, the crown would be at liberty to remark on them—if the crown was enabled to answer to the statement of the Speaker, it might dwell on those imperfect measures, and of course censure them as much as it pleased; the House would see the inconvenience to which this would lead. The hon. gentleman then passed an eulogy on the character of Mr. Speaker; and said, although the speech delivered by him was highly reprehensible, the error was one of misconception, rather than of corrupt or interested motives; and therefore, though he was prepared to go the length of the original proposition, he could not vote for the amendment which had been proposed.

Mr. *Rose* said, neither the manner nor matter of the original proposition was unfitting to the character of the noble mover, who appeared to have been actuated by a sense of public duty, and, indeed, nothing like unkindness had ever been manifested by him. He could not but think the subject of considerable importance; nor could he refrain, notwithstanding what had fallen from so many able characters, from offering his humble opinion upon it. That the noble mover had also thought the topic to be one of great magnitude, was evident, from the early period of the session at which he had given notice of his motion. It was, indeed, rather unfortunate, that the discussion had not come on at an earlier period; but the House had been so unusually thin ever since the notice had been given, that justice could only be done to the topic by the call which had now taken place. For himself, he had no hesitation in declaring, that what the Speaker had said, appeared strictly conformable to the usages and customs of that House in all periods. If Mr. Hatsell's entries and statements could be supposed to be precedents, as they cannot be denied to be, the House might safely rely on them. The learned Speaker had alluded to measures which had been pending in that House; he would not undertake to say that he had spoken on measures which had been decided on, nor would he enter on a discussion whether it would not have been more safe to allude to the latter than to the former. But would any body say, that it was not notorious and certain, that when the Speaker goes up to the House of Lords, the session is at an end? The right hon. gentleman then referred to the occurrences of 1661 and 1662, when the Speaker spoke on the subject of the claims of the non-conformists, to show, that Bills which could not be got through in the session were spoken of to the throne, although suffered to rest till the next session; and he should wish to ask, whether more danger was not to be apprehended to the crown, from telling of Bills of that sort which were depending, than of those which had gone by? If he were to state to the House the number of speeches made by different Speakers at the times in question, he should tire their patience; but he knew of fifteen or twenty whereon the Speaker could have had no possible authority for speaking. Gentlemen might argue, that the Speaker had no right to deliver his sentiments on such occasions; but if the House were to come to a resolution of that sort, his duty would be narrowed beyond any principle of right or justice. Among the precedents to which he had alluded, were those of 1720 and 1721, when the House was occupied with the South Sea scheme. When the parliament met in 1721, the Speaker made a variety of observations at the bar of the upper House, on a subject which filled every mind; he had no authority for what he said, and it turned out that he was extremely wrong in his surmises; but his conduct was not called in question. Would any gentleman say, that it was imprudent in a Speaker to inform himself of what is going on in the House? Is not the minute-book in his possession for this very purpose? Certainly this is the use he might be expected to make of it? He (Mr. Rose) could see no analogy whatever between Mr. Pitt, in 1757, taking notice of what was passing at the very time he spoke, and the present Speaker merely adverting to what had gone by. On the whole, it appeared to him, that in what had been done by the right hon. gentleman in the chair was implied no deficiency of deference to the House, nor was it otherwise than strictly conformable to his duties in parliament. He trusted that it had been made clearly to appear, that the usage was established; and if so, nothing could be more unnecessary than a vote of censure.

Mr. *F. Douglas* rose, but spoke in so low a tone of voice, that it was not possible to hear him, except at intervals. He began by stating, that he differed from the view of the present question as taken by the noble lord, and considered the Speaker to have acted in conformity not only with precedent, but the usages of parliament. The beaten track of precedent he would not pursue; but, in his humble opinion, the strongest precedent that had been quoted, was that of Mr. Speaker Onslow in 1745; for if ever there was an occasion in which the sentiments of the House must be matter of conjecture, that certainly was one. With regard to what the Speaker himself had delivered at the bar of the House of Lords last session, it would surely be allowed, that the claims of the Catholics had been rejected from an adherence to those laws which made the crown, the government, and the parliament, fundamentally Protestant; and therefore the sentence was historically correct. The question was one of great solemnity, for it involved the dignity of the House itself. If the vote of censure proposed by an hon. member passed, it could not be expected that the Speaker would retain that high office which he now exercised so beneficially for the House and for the country; they were to consider, therefore, whether they would run the risk of losing a person whose services were so eminently valuable. If he had even committed an error in this single instance, still they were not to forget how often his judgment had been advantageously exercised in behalf of the House; if he had acted from any undue bias, still they should consider how often he had conducted himself with the highest, with the most unimpeachable integrity.—The single instance in which any direct censure of the House had been passed upon its Speaker, was one of notorious profligacy; that of accepting a bribe, he believed; and he hoped they would not now afford an occasion for posterity to blend two such circumstances together, and let it stand recorded, that the only cases in which they had censured their Speakers, were, in the one instance, upon a man of determined profligacy; and in the other, upon an individual of unblemished honour, and incorruptible integrity.

Mr. C. W. Wynn and Mr. Rose severally explained.

Sir *John Newport* said, that in the consideration of the question before the House, the principal object in view was, to guard the future deliberations of the House from the exercise of an influence on the part of the crown greater than it ought to have, consistent with the constitution of the country. It seemed to be admitted on all hands, that the course pursued by the Speaker at the conclusion of the last sessions, was without precedent, either on the Journals of that or the other House of Parliament; although it had been attempted to be urged, that a precedent was to be found in the conduct of the Speaker of the Irish House of Commons. He denied that the line adopted by Mr. Foster bore out the inference which members had endeavoured to draw from it that night—for upon coupling the terms of that gentleman's speech delivered to the throne, with the events which followed in the ensuing sessions, it would be seen, that the House did not go along with him in the sentiments which he uttered, but brought in a Bill for giving the elective franchise to those very persons from whom, he congratulated the crown, that it had been withheld; so that, in fact, the whole transaction in the Irish parliament went rather to contravene than confirm the right of the Speaker to communicate circumstances which had occurred in the House of Commons, but which had not received the sanction of a Bill. The precedents which had been quoted by the right hon. gentleman (Mr. George Rose), had been principally drawn from sir Edward Turner; but whoever looked to that time, during which the speeches that were delivered were filled with the most fulsome adulation, would not be disposed to take such a period as a precedent for their present proceedings. If the exercise of such a privilege as had been assumed by the Speaker on a late occasion were allowed to pass with impunity, it would require only one step more, and he might inform the crown which side of the House was most active, or what individuals most exerted themselves in opposing some favourite scheme of administration, and who might thus be marked out as objects of disapprobation by the crown. The precedent thus established, the name of the sovereign would next, by an easy transition, be introduced, to overawe their debates, and impede that constitutional freedom of discussion which was among their most valuable privileges. (Cries of Order!)—He thought that those gentlemen who cried 'Order' with such vociferation, would best consult order by preventing the executive government from coming in contact with that House, except when called upon to give its assent or negative to any question which might be submitted to it with the concurrence of the House. To that limit had the constitution confined the executive power, and he hoped it would never be otherwise applied. Upon the whole, he saw no advantage from the exercise of the privilege at present vested in the Speaker; and considered that the course which he had followed, and which had been the subject of very proper animadversion that night, if again adopted, could be productive of no essential good, but might be attended with the worst consequences to the interests of the state.

Mr. *J. P. Grant* expressed his regret, that, having seldom the honour to address the House, it should now be his painful task to do so, by stating to the Speaker, that, in his opinion, he had failed in a very essential part of his duty. If he was surprised at the speech delivered at the bar of the House of Lords on the prorogation of parliament last session, he freely confessed he was much more surprised at the manner in which the Speaker and those who had espoused his cause, had attempted to justify and explain it. The question was, in itself, perfectly simple. There existed no direct precedent analogous to it, because, indeed, the present Speaker was the first who had ever thought it his duty to lay at the foot of the throne what he had not been instructed to do by the deliberate and solemn sanction of the House. There were two privileges of that House which he held to be of paramount importance to its vital interests; one, that the crown should not interfere, directly or indirectly, with any measures that were in progress through it; the other, that it should express no censure or disapprobation of such measures as had been concluded. For himself, he had no hesitation in saying, that he considered the latter privilege as the more valuable of the two; because the crown, by taking notice of, or animadverting upon what any member, or any number of members, said, might intimidate others from pursuing the strict line of their duty. A single reflection would illustrate this point. When a measure had passed the House, it became the act of the House; but when it failed, it continued to be the member's; and, unbacked by the House, he ought not to be left, unconstitutionally left, to the notice and animadversion of the crown. This doctrine was not theoretical; it was founded upon the best practice of the best times of our history. It was not unfrequent with some of our monarchs, and he would particularly mention Elizabeth, who constantly practised it, to reply to the speech made by the Speaker: and suppose his royal highness the Prince Regent had answered the Speaker at the close of last session, by expressing his displeasure at "the momentous changes proposed for our consideration," it would have been a high breach of their privileges; and he held it as incontrovertible, that what it was not lawful for the King to notice, it was not lawful for the Speaker to express. The task which he had to perform was a painful one. The Speaker (unwarily no doubt) did that which had a tendency to betray the sovereign into a breach of their privileges. Great as his knowledge of forms was, he had yet been misled by his zeal; and though not wishing to pass a vote of censure, as inconsistent with his former services, and with that strict integrity which had uniformly marked his conduct in the high office that he filled; yet, equally anxious to prevent his example from being drawn into precedent, he should certainly support the motion of the noble lord. Before he sat down, he wished to advert to the subject of precedent. In this particular case, the Speaker had exceeded all the bounds of a just discretion; was it, therefore, incumbent on those who condemned his conduct to prove that there had never been a Speaker who had so completely transgressed those limits? But what precedents had been produced on the other side? With all the learning possessed and all the attention bestowed on the subject, had a single instance been adduced of a Speaker so incautious, so subservient to the crown, or so regardless of the privileges of parliament, as to venture to communicate to the throne, that a dangerous proposition had been made in that House, but which had not been assented to? He would not trespass longer on the House. In what he had said, he had endeavoured to avoid all personality; and he had cautiously abstained from touching on the Catholic question, which in fact had nothing to do with that before them. For his own part, he could declare most solemnly, that, although, after great deliberation, he had certainly made up his mind on the question of Catholic emancipation, and that although his opinion on that question was as certainly in direct hostility to that avowed by the right hon. gentleman (the Speaker); yet, if, instead of the Bill which had actually been introduced and lost, a Bill for re-enacting and re-imposing those disabilities and those disqualifications which it had been the wise policy of the present reign gradually to remove, had been indignantly thrown over the bar of the House; and if, under those circumstances, the Speaker, at the foot of the throne, had stated, after his prefatory address, that other momentous changes had been proposed for the consideration of the House, but that, faithful to the principles of toleration, and to that wise policy which had hitherto been pursued, they had refused to consent to those changes, he would have given the same vote as he meant to give tonight; firmly convinced that any such statement, on the part of the Speaker, was not only useless, but, if established as a precedent, would involve in it the sacrifice of the privileges of that House, and the principles of the constitution. On these grounds (said Mr. G.) not wishing to pass a vote of censure, but still desirous of seeing some motion pass, which shall express disapprobation unmingled with severity, I shall vote for the motion.

The *Chancellor of the Exchequer* said, he should have no hesitation in giving his negative to the motion of the noble lord, because he conceived that it was one which was by no means called for by what had taken place. The right hon. gentleman then took a brief view of what had been said by the noble mover, and observed, that no man was more disposed to enforce the privileges of parliament than himself. But he saw no breach of privilege committed in the subject now brought before the House; and as to the precedents which had been quoted, they appeared to go far in justification; particularly that of Mr. Speaker Onslow, which went into long dissertations upon alliances and subsidies, and these shewed to what a length of discussion that gentleman thought himself entitled to go. Yet was Mr. Speaker Onslow censured? Never. The right hon. gentleman thought the speech of the Speaker in Ireland a very fair precedent, and observed, that he had received the thanks of the House for it. As to Mr. Hatsell's book, which had been treated lightly, he was disposed to pay very great deference to it. It was almost needless to say, that he thought it his duty to vote against the motion and the amendment.

Mr. *Plunkett* spoke to the following effect:—Sir; After the long and able arguments which we have heard on this subject, and more particularly after the ample justice which has been done to it in the eloquent and admirable speech of the hon. gentleman below me (Mr. Grant), it may appear unnecessary or presumptuous further to occupy the attention of the House. Feeling, however, as I do upon this important occasion, I own I cannot reconcile myself to remaining wholly silent on it. I completely concur with you, Sir, that the present question is one wholly unconnected with the question of Catholic emancipation. We are not now to consider what it may or may not be right to do with respect to this latter—we are not to ascertain the present opinion of the House upon it. The question is, whether, the House having come to a resolution with respect to the Catholics, you, Sir, were authorized to convey to the throne an intimation of that proceeding, accompanied by a censure on those who had endeavoured to follow it up by a legislative measure.—Sir, I declare most solemnly, that if the sentiments which you expressed to the throne had been as friendly to the Catholic cause as they were certainly hostile to it, I should equally have concurred in the present motion. It is true, as has been justly said, this is not a party or a personal question. Nothing, Sir, but the most imperious sense of duty could justify a censure of your conduct. But if any man feels that a vital and important part of the constitution has been assailed, and that you have done that which, if it were established as a precedent, would overturn and destroy the constitution itself, and if that man should refuse to accede to the motion of the noble lord, either out of deference to you, Sir, or from any unworthy exultation at the attack made by you on so large a portion of the community—no words are sufficiently strong to describe the meanness of such a dereliction of duty on the one hand, or of such an unworthy betraying of the trust reposed in a representative of the people on the other. Sir, I am free to say, that the speech made by you to the throne, at the close of the last session, was one of the most formidable attacks on the constitution of parliament, that has occurred since the Revolution. It was an attack materially aggravated by its having proceeded from a person, the natural guardian of that constitution; and, Sir, it is peculiarly unfortunate, that we cannot assert our own rights without impairing your dignity; however anxious we may be to abstain from every thing like asperity, and to treat you, Sir, with all that respect to which you are so amply entitled. Subject to this last consideration, I shall make my observations upon the question with as much freedom and latitude, and discharge my duty as unrestrainedly, as you, Sir, have done in what I have no doubt you conscientiously conceived to have been yours. Sir, there is no subject upon which this House has always evinced so much anxious jealousy, as that its proceedings should be exempt from all control and interference on the part of the crown. Some communication between the throne and parliament must undoubtedly exist. But the mode of this communication is perfectly defined and ascertained. If the throne wishes to communicate with parliament, that communication is made either by a formal speech from the throne, or by a message. But the object of such communication always is, to invite parliament to deliberate on some proposed measure; and never to control, or interfere with, any deliberations already entered into. So on the other hand, if either House wish to communicate with the throne, that communication is made either by address or by resolution; and the object of such communication is, not to ask the advice of the throne on any subject upon which parliament may be deliberating, but to give to the throne any advice that parliament may think it expedient to offer: for this plain reason, that we are the constitutional advisers of the throne, but that the throne is not the constitutional adviser of parliament. Advice from the throne would have too much the air of command, to be consistent with the freedom of discussion in this House. Beyond the limits which I have mentioned, there is no constitutional channel of communication between the throne and parliament, save when we present our Bills for the royal assent or dissent. This is so clear, that it is generally acknowledged, that if, Sir, you had no Bill to present, you would have no right to address the throne at all. Accordingly, when you uttered the address which is the subject of our present deliberation, you held in your hand the Vote of Credit Bill, and you concluded that address with praying the royal assent to the Bill. Had you not held such a Bill, your speech would have been an absolute intrusion, wholly unwarranted by parliamentary usage, or by the constitution. Sir, I do not mean to say, that you were under the necessity of strictly confining yourself in your address to the subject of the Bill which you presented. It was perfectly allowable, that your speech should be graced and ornamented by allusions to other matter. If, Sir, you had described generally the measures adopted by parliament, or had descanted on topics of general policy, however we might have considered your opinion as a mistaken one, the promulgation of it could never have been deemed a violation of our privileges. Unless you had alluded to matters pending in parliament, the observations which you had thought proper to make might have been thought light or unnecessary, but could not have been characterized as unconstitutional. This remark applies to what has been said of my right hon. friend, the late Speaker of the parliament of Ireland (Mr. Foster). My right hon. friend did certainly make the question of Catholic emancipation and Protestant ascendancy the subject of a speech to the throne; and in doing so, he had certainly no reason to congratulate himself on his prudence; for, in the very next session, his principles and his predictions were overturned together. But this was an imprudence only—not a violation of parliamentary privilege. It had not been so considered. A solitary petition was presented to the House on the subject; but no member of the Irish parliament made it a question of parliamentary discussion. It is on these grounds, Sir, that I perfectly concur in the propriety of the general observations contained in your speech at the close of the last session. In that style of dignified congratulation which so well becomes you, you spoke of the success of our brave fleets and armies, and conferred the just meed of your eloquent praise on their gallant leaders. I am sure, Sir, that every one of us must be proud and gratified when he hears you deliver yourself on such subjects with so much elevation and propriety of manner. But when, because you are the organ of communication between this House and the throne, you proceed to notice subjects controverted in this House, you will find it difficult to discover precedents in justification of your conduct; and still further, when you mention propositions made here, and not acceded to but rejected, you place yourself in a situation still less capable of defence. On this part of the subject, the remarks made by the hon. gentleman below me (Mr. Grant) are unanswerable. As that hon. gentleman justly observed, if a measure passes in parliament, no single person is responsible for that which is an act of the whole House. But it is impossible for you, Sir, to state that a proposed measure has been rejected, without implying a censure on the individual or individuals by whom that proposition was made. Accordingly, our rule of proceeding with respect to Bills is founded on this consideration. When a Bill is sent to the other House, or is presented to the throne for the royal assent or dissent, it does not bear on the face of it, whether or not it passed unanimously, or what was the amount of the majority by which it was carried. And why? Because this House will never suffer the state of its divisions and parties to be subject to the direction, or to be under the influence or control, of any other tribunal. The authority of Mr. Hatsell has been dwelt upon with much emphasis. As members of the legislature, I deny that, in our decision on great constitutional questions, we are to take Mr. Hatsell's publication for a text-book. We are not to be told, that we must learn the principles of the British constitution from Mr. Hatsell's work. But, after all, what is there in that work which bears on the present question? Mr. Hatsell states, and states truly, that when the Speaker presents a money Bill at the foot of the throne, he may advert, not to the subject of that Bill alone, but to other business which parliament may have transacted. But does he say, that the Speaker may advert to pending or to rejected measures? Nay, up to this very moment, after all the inquiries made by yourself, Sir, so capable of deep research, and after all the inquiries made by your numerous friends, has a single precedent been found of a Speaker's having referred in his speech to the throne to any measure which had been rejected by the House? And let it be recollected, that the measure to which you thought proper to refer was in fact still pending. For, what was the state of the proceedings on the Catholic question? A resolution had been agreed to, to take into consideration, in a committee of the whole House, the laws affecting the Roman Catholics, with a view to their amicable adjustment. The committee met, and resolutions were passed, declaring it expedient to admit the Catholics to seats in parliament, and to other powers and jurisdictions, under certain provisions for the security of the Protestant establishment. A Bill was introduced to that effect, and the second reading agreed to by a considerable majority of the House. Every thing, therefore, Sir, of which you could properly take cognizance was favourable to the Catholic cause. But in the speech which you made to the throne, you passed over what alone you had a right to know, and what, if communicated, would have made an impression favourable to the cause of the Catholics; and you resorted to that which you had no right to know, and by an unjustifiable perversion sought to make an impression inimical to that cause. For, Sir, you were no more competent to report to the throne the proceedings of the committee of this House, than any other member of the committee. It was not even necessary that you should be present in that committee. Mr. Hatsell so says. It happened, however, that you were there, and that you gave your opinion on the Bill in progress. Was it as Speaker that you gave that opinion? Certainly not. You gave it as member for the University of Oxford. But it may be said, that this is a question of mere form. Sir, the forms of parliament are essential to the preservation of the privileges of parliament. But, Sir, in taking the liberty to report the opinions of that committee, did you truly report them? On the contrary, you totally, though I am sure not wilfully, misrepresented them. The opposition to the proposition rejected in the committee was grounded on a variety of considerations. Some opposed it in consequence of the intemperate conduct of certain public bodies in Ireland; others because of the writings which had been diffused in that country; some wished the change to be deferred until a time of peace; others were desirous that the see of Rome should first be consulted. With all this variety of sentiment, how, Sir, were you competent to say what was the opinion by which the majority of this House on that occasion were swayed? I will venture to assert, that not ten of that majority were perfectly agreed on the subject; and yet you took upon yourself, in the name of that majority, to declare your own opinion as theirs; nay, even in that respect you were incorrect. The member for the university of Oxford has a right to complain that the Speaker misrepresented him. That right hon. member declared, that in his opinion, many powers and jurisdictions might be safely conferred on the Catholics. He declared, that they might be eligible to the magistracy—there was jurisdiction; he declared that they might be raised to any rank in the army, except that of commander in chief—there was power: a jurisdiction and a power by no means harmless, if improperly used. Again, a great number of those who composed the majority, voted on the ground that the question was a religious one. Have those individuals no right to complain of the Speaker, for declaring that the House considered the question not as a religious, but as a political one; and that if the see of Rome were released from foreign influence, the danger of allowing Catholics to sit in parliament would cease? Will the member for Armagh, and those who think with him, consent thus to have their opposition disrobed of all those important considerations which arise out of religious views of the subject? Will they allow the Catholics, if they disavow the supremacy of the Pope, to come here and legislate for Protestant England? In my judgment, therefore, Sir, you misrepresented the opinions of the majority of this House, as well as your own. One striking fact you wholly abstained from mentioning. You never told the throne, that, notwithstanding all the means used on the occasion, notwithstanding the temporary difficulties arising out of various causes, notwithstanding the powerful influence exercised in various quarters, there were still 247 members of this House, who declared their readiness to admit the Catholics into parliament on the principles of the Bill which was then under discussion. Will any man lay his hand on his breast, and declare upon his honour, that he thinks you were authorised, on a decision by a majority of four, to represent to the crown that the question was put finally at rest? Was it not evident, that the subject must return to be considered by parliament? And if so brought back, with what impartiality could parliament proceed with respect to it, if, by any indirect means, the artillery of royal influence was brought to bear on their march? Suppose, Sir, that, in reply to you, his royal highness the Prince Regent had been pleased to say to you, "I feel great surprise and indignation that 247 members of the House of Commons are so lost to their sense of duty, as to wish to change those laws by which the throne, the parliament, and the government of this country are made fundamentally Protestant;" would any member of that minority have endured such an expression? On the other hand, suppose his Royal Highness had said, "I lament that the laborious exertions of so large a number of members of the House of Commons as 247 have been disappointed; and I trust, that when temporary obstacles are removed, and when the suggestions of reason and wisdom become prevalent, their efforts will prove successful;" would such a declaration have been endured by any member of the majority? Would it not have been asked, what right the throne possessed to interfere with the proceedings of parliament—to school their past conduct, and to lecture their future? And here, Sir, I must observe, that an hon. gentleman on the floor (Mr. Bankes) has contended, that there is no difficulty in this question, because your speech was not made until the end of the session. It is then of no importance if we subject ourselves to be schooled and lectured by the throne; it is of no importance that we should be liable to this annual audit and account, provided it take place at the close of our sittings! Such an occurrence would have no effect on the deliberations of the next session! And besides, if this annual audit were once established, the hon. member for Corfe-castle is too fond of accuracy not to think it necessary, Sir, to add to your report a specification of the numbers of those who might vote on any particular measure, the names of the voters, and so on, until the whole of our mystery is exposed to the eye of royalty? With respect to your speech, Sir, I have another observation to make: it regards its ambiguity. The words of it are capable of two opposite constructions—of a construction unwarrantably intolerant towards the Catholics, and of a construction as tolerant as their warmest friends could desire. You say, Sir, that we have determined to exclude them from the privileges which they require "as long as they shall acknowledge a foreign jurisdiction." Now, what does this expression mean? If by "foreign jurisdiction" is meant the spiritual jurisdiction of the Pope, then the Catholics will be excluded as long as they remain Catholics. But if it merely means temporal, or indeed ecclesiastical jurisdiction within these realms, then no friend of the Catholic cause in this House would, I am sure, wish it to prosper on any other terms. Again, Sir, you say in your speech, that parliament have not consented to do so and so. I am persuaded that no special pleading will be resorted to in defence of this passage; and I appeal to the common sense of all who hear me, whether the statement, that "momentous changes had been proposed for our consideration, but that, adhering to those laws by which the throne, the parliament, and the government of this country are made fundamentally Protestant, we would not consent to those changes," is not a distinct implication of an intention in some persons, by proposing such changes, to destroy "the laws by which the throne, the parliament, and the government of this country are made fundamentally Protestant?" Sir, recollecting that one of the essential features of the resolutions on which the Catholic Bill was founded was, the distinct declaration, that the Protestant establishment should be effectually secured, I ask you, how you can reconcile to any feelings of justice the implied statement, that 247 members of this House were anxious to introduce changes subversive of that establishment? For one, I loudly disclaim my share of such an imputation. If there be here one man of that number who deserves it, let him take the only opportunity of proving his demerit by voting for your exculpation. Sir, it is a proposition which every hon. gentleman present would not merely not consent to; but which he would reject with scorn and indignation. One word more. This speech, which in my opinion was a violation of the privileges of parliament, and which misrepresented the conduct and sentiments of all parties, appears to me to have been wholly uncalled for. There was nothing, Sir, in the Bill which you held in your hand at the time you uttered it, or in any other Bill which passed during the last session, that required such an exposition. When you adverted to the splendid victories of our illustrious commander who has gained such transcendant fame—when you spoke of the passage of the Douro, of the battles of Roleia, of Vimiera, of Talavera, of Salamanca, of Vittoria, the feelings of all who heard you vibrated in unison with your own. Every heart exulted; and every Irish heart peculiarly exulted that Ireland had given birth to such a hero. Was that a well chosen moment, Sir, to pronounce the irrevocable doom of those who, under their immortal commander, had opened the sluices of their hearts' blood in the service of the empire? It was a custom in Rome, to introduce a slave into their triumphal processions, not for the purpose of insulting the captive, but to remind the conqueror of the instability of human glory. But you, Sir, while you were binding the wreath round the brow of the conqueror, assured him that his victorious followers must never expect to participate in the fruits of his valour; but that they who had shed their blood in achieving conquests were to be the only persons who were not to share by the profits of success in the rights of citizens. (Hear, hear!)

Mr. *Bankes*, in explanation, denied having used the word "audit."

Mr. *Canning* said, as one of the minority of 247 who were friendly to the measure of concession to the Catholics, as one who had taken an anxious part, to the best of his abilities, in promoting it, and as one who hoped, at no distant time, to take a part by the side of his right hon. friend (Mr. Plunkett) in an endeavour to promote that measure, which he conceived was only temporarily suspended, he felt called on upon the present occasion to assign the reasons why, having differed from that majority whose decision had been considered, in the speech delivered at the bar of the House of Lords, as conclusive, he could not concur with either of the motions, for directly censuring, or censuring by implication, the distinguished individual by whom that speech had been delivered. In delivering the speech alluded to, the Speaker was exercising a discretion which he believed to be vested in him. When he said that he possessed this discretion, he was precluded from answering the most of the arguments by which the crimination of the Speaker was endeavoured to be enforced.—When he said that the Speaker was vested with a discretion, the word implied that that discretion might be exercised either judiciously or not, but still that the exercise should not draw down censure upon him. With respect to the motion of his noble friend, if it was intended to prove an effectual preventive, it went far short of what was necessary. Ought he to be contented, if he thought there existed a dangerous discretion in the Speaker to dilate on the motives which induced the House to adopt or reject the measures brought before it, with saying, if the measure pass into an enactment he may, but in case of rejection he must not? If the motion of his noble friend should be carried, one would think it would preclude future Speakers from mentioning measures not passed into a law. But this did not apply to the present Speaker. One of the reasons which had been urged in favour of the motion was, that it would lead the crown to interfere in measures pending before the House. But had the House itself been so cautious? What had been the course adopted by it in the preceding session? Why in the preceding session, a resolution was passed by a great majority, stating that the House would in the next session take into consideration the state of the laws affecting the Roman Catholics, with reference to an adjustment of them. Did the House then feel that jealousy which was now to fall on the Speaker, and in consequence of which he was to be dragged to the altar as a victim? What was the course adopted by the House? This incomplete and inchoate measure of the House of Commons was carried to the foot of the throne. This was not to be laid to the charge of the Speaker—he did not give the first information to the crown—he was not the first to call the attention of the executive to that which otherwise was not known; but he found the crown in possession of the information, that the subject would be taken into consideration in the next session of parliament; and finding the crown so informed, he stated to it the result of the proceedings instituted in consequence of that resolution. In such a state of things, he communicated his opinion of the result of the proceedings. The colouring, no doubt, differed from that which he himself should have given of it. Grounds had been stated for the failure of the measure, which were far from being the only motives that actuated the majority. Some were actuated by motives of temporary expediency, some by religious motives, and others again by a variety of different reasons, to join in the majority by which the measure was defeated. But when the Speaker possessed a discretion of giving an account of the origin, progress, and result of Bills, he might think this an error of judgment; but he never could think it a criminal abuse of authority, when he stated what appeared to him the motives of the House of Commons in this particular instance. It had been said, that in a committee he could have no cognizance of what passed; but this was a mere technical argument. Could they suppose to be out of the reach of the knowledge of the Speaker, what passed in a committee of the House on such an important subject? At the end of a preceding session, the intention of parliament with respect to the measure was declared; and in the next, was no mention to be made of the progress in the question, or what had prevented any progress from being made in it. Some gentlemen had supposed a sort of *dramatis personæ* on the occasion of the communication. Did the Speaker know nothing of what passed when the measure was defeated? No; because the Speaker was supposed to be absent in the committee. Here was a great measure mentioned in one session, and not to be mentioned in another, because the Speaker of the House of Commons was supposed to be ignorant of it. Why, every person who read a news-paper knew that such a question was agitated, and what was the result. But it seemed the crown was to be kept ignorant of what passed, and the Speaker was to be the instrument to whom that ignorance was to be attributed (Hear, hear!) All this was as opposite to straight forward practice as could well be imagined. The whole question between the Speaker and his accusers was, not as to the discretion, but as to the exercise of it in the particular case now before the House. It might be a question, whether it was expedient to grant such a discretion to the chair; but it was peculiarly hard on him who at present filled it, to visit on him not only the consequences of an accidental extension, but also the vice of its origin. (Hear, hear!) The greater part of the arguments he had heard that night went against the discretion itself. It might be deemed advisable, that no Speaker should have power to address the throne without previously receiving the sanction of the House. This would be fairer than to leave him his privileges unclipped, with no other guide than the motion of his noble friend. Better have the words to be made use of, in any representation to the crown, established, than to leave him in this way to an annual audit, subject to annual reprehension. (Hear!) Let the Speaker be deprived of his privileges and speech to the crown here and out of the House, as if he had neither eyes to see, ears to hear, nor tongue to speak, but as the House prescribed to him. He, for one, could have wished the speech delivered had not been such as it was; but he did not therefore mean to deny to the Speaker the right of exercising the same discretion which he would have claimed for himself. If he had delivered his own opinion at the bar of the House of Lords, he would have stated, that the failure of the measure was owing to the defeat of a main part of it, which induced its supporters to withdraw it. This was, in his opinion, the true construction of the measure. But those who were in the triumphant majority probably took another view of it; and was he to visit them with censure for stating any opinion which they might conceive most favourable to their side. Of the decision of this majority, he thought as highly as his right hon. and learned friend; and he looked forward to the accomplishment of the measure with confident expectation. Many disadvantages operated against it last session, which would hereafter cease to exist. The present state of public opinion would fade away, and a change of affairs would also induce a change in the views which would be taken of the Catholics. This question would not long be allowed to survive as a refuge to discord—as a contrast to the harmony of nations, and an obstacle to the happiness of mankind. (Hear, hear!) He professed himself unable to comprehend any danger from the general custom of the Speaker announcing the motives which led to certain results. There was one expression in the mitigated motion of his noble friend, which he thought exceedingly severe, where it is stated, that the speech should not be drawn into precedent, that the Speaker of the House of Commons, at the bar of the House of Lords, or 'elsewhere,' &c. Now, he would desire the noble lord to reflect what construction would be put on this, if it were entered on the Journals and read in a distant age. Would it not be inferred from this, that the Speaker of that day was some courtier-like sycophant who, not content with the access which, as Speaker of the House, he had to the throne, sought for other opportunities to poison the royal ear? The conscious integrity of the present Speaker prevented him from noticing such a construction. But if this was not intended, what was meant by 'elsewhere'? The speech at the bar of the House of Lords, however imprudent it might be considered by some, had at least nothing clandestine in it. Why, then, should there be an insinuation that some other channel was had recourse to? If this was intended, it ought to have been fairly stated; if not, it was mischievous surplusage. In the constant usage of parliament there would be found such expositions as those which the present Speaker had used; and he thought it peculiarly hard to visit on him all the inconveniences of such a practice. It was impossible to separate his individual honour and character from the consideration of this question. The speech contained nothing which, looking to the established practice and privileges of the House, called for its interference.

Mr. *Tierney* would not enter at any length upon the question now before the House, after the admirable and able support which the motion had received from his two learned friends; though he could not prevail on himself to give a silent vote upon an occasion like the present; particularly after the extraordinary speech of the right hon. gentleman who had just sat down. Many things had surprised him in the course of his life; but nothing had ever more surprised him than that all the eloquence of the most eloquent of the 247 members whose motives had been misrepresented in the speech addressed to the throne at the close of the last session, should be employed in the vindication of him who made that speech. The right hon. gentleman has very recently (said Mr. T.) been the advocate of the Catholic claims, and means, it would appear, to be so again; and how he should now be the most eloquent of your champions, Sir, I am utterly at a loss to account for, except from a general disposition in that right hon. gentleman to defend whatever savours of power, whether in the chair or 'elsewhere.' The whole substance of the defence of the right hon. gentleman amounted to this, that there was a discretion vested in the Speaker; and that the present Speaker had done no more in representing the motives which prevented a measure from being adopted, than many other Speakers had done heretofore when a question had been carried. He could not see why the discretion should be exercised in a matter respecting which there could exist no doubt, and not in another case for which there was no precedent; that is, he could see no difference in the question, whether the measure, the subject of the speech to the throne, was adopted or rejected by the House. And yet one would think the difference was pretty plain; for in the one case the Speaker was instructed what he had to state, and in the other he was not. (Hear, hear!) The right hon. gentleman had said a good deal about the inconsistency there would be in the House informing the crown in one session of parliament that a measure was to be taken into consideration by them in the next, and then afterwards taking no notice of what had been done with that measure, whether it had passed or not. It appeared to him, that the reason for the House communicating in the one case, and not communicating in the other, was pretty obvious. In the one session, they wished to speak of the measure; and in the next, by not passing it into a Bill, they wished to say nothing about it. In the one case, the sentiments of the House were embodied in substantive acts; and in the other case, they were not so embodied. The right hon. gentleman had not thought proper to advert to any of the arguments and reasonings of his hon. and learned friends, which he would have found some difficulty in answering; but he had laid it down imperatively, that the Speaker was vested with a discretionary power, in all cases, of representing to the crown what he conceived to be the motives which guided the House. Other Speakers, in the exercise of that discretion, had received the sanction of the House; and was it equitable to make the present the subject of animadversion, while the others were suffered to pass *sub silentio?* Many Speakers, said the right hon. gentleman, had even gone the length of expatiating on a great variety of topics, and high eulogiums had been passed on the elegant language of the Speakers of former times, as well as the present. I, for my part, (said Mr. T.,) have no objection, Sir, to your being an orator; but I have a strong objection to your being an historian. I have an objection to your taking upon you to give a narrative of the opinions of the House, and betraying that which the House did not want to communicate. Where could there be any harm in making fine speeches? Suppose such a fine speech as had been let off to-night had been delivered at the bar of the House of Lords, it would have been said, to be sure this is an extraordinary Speaker; he seems a great orator, but he is not very well acquainted with the privileges of parliament. But the House would have been scot free. Sir Edward Turner made fine speeches too, and dealt in more flowers than even the right hon. gentleman—he made use of fine bombastic expressions, like those of ancient Pistol. These might, to some, seem no great proof of his taste: but still they were harmless, in so far as the House was concerned. The question was not, whether in the exercise of his discretion the Speaker had acted improperly; but whether he had exercised a discretion which was not vested in him. There could be no objection to his availing himself of those cases where he could advantageously display his eloquence; but he (Mr. T.) and all of the 247 gentlemen who voted along with him, must necessarily feel that they were held up to public notice by Mr. Speaker: first, in a way which was not correct; and next, on an occasion when he had no right to do so. The right hon. gentleman, however eager to defend the Speaker, did not seem to sit very easy under his speech; and several of those who defended him that night, had lamented that it contained certain expressions, and particularly those by which the Bill was held up as calculated to overturn the fundamental laws of the constitution. According to the right hon. gentleman, it would be better at once to take from the Speaker the discretionary power vested in him. He (Mr. T.) wanted him to be just as other Speakers—and was there any thing unreasonable in this? The objection taken by the right hon. gentleman to the words 'or elsewhere' in the motion of his noble friend, he would shortly advert to.—The right hon. gentleman, notwithstanding his professions, had not dealt very candidly with his noble friend, when he stated that these words pretty broadly insinuated, that the Speaker was a time-serving sycophant. For his part, he certainly meant no such thing; and if the expressions alluded to conveyed any such meaning, for God's sake let them be expunged. When he had said this, in answer to the right hon. gentleman, he had taken notice, not in point of length, but in point of substance, of all that he had argued.—He had said, there was a discretion vested in the Speaker, of taking notice of all measures which passed: and therefore there was the same discretion with respect to all measures which did not pass. When a Bill was passed, it spoke for itself. But if this discretion was to be considered as vested in the Speaker, of adverting to the proceedings of the House, the Speaker of the House of Commons must be a party man. There would be an end to every thing like a Speaker, for a length of years, by whose experience in the manner of conducting the business of the House they could derive advice and instruction; for no administration could go on without a Speaker favourably disposed to them. A measure had lately passed into a law, for the acceleration, as it was said, of the payment of the national debt. Suppose a Speaker unfavourably disposed to this measure, why, in opposition to it, he might avail himself of this discretion to say to the throne, this measure will not accelerate, as it purposes, the payment of the national debt; for it supposes a loan of 28 millions, whereas this year 40 millions have been borrowed.—He (Mr. T.) had proposed a committee to enquire, whether faith had been kept with the national creditors—but this proposal was rejected. What a flourish would have been made on that circumstance? It would have been said, that they refused even to enquire whether the measure was consistent with the public faith or not. There was not a single measure on which a gloss could not be thrown, which would not go to destroy all the credit that ministers naturally looked to. The Speaker must therefore be either a creature of the crown, or the tool of a party, if he were vested with a discretion to say all to him that seems good, on all measures in time to come. The right hon. gentleman (Mr. Canning) had said, that the Speaker knew, as Speaker, what had been done in the committee on the subject of the Catholic Bill, as well as any other member of that House could know. This he (Mr. Tierney) denied. Mr. Speaker must communicate with the member for the university of Oxford before he could have any such knowledge. If he (Mr. Tierney) at any time towards the end of the last session, in speaking upon the Catholic Bill, had represented it as a Bill which had been thrown out of that House, and had been called to order for so saying, must not Mr. Speaker have decided that he had been justly called to order? Then it would appear, that what it would have been objectionable, and deserving of censure, in him (Mr. Tierney) to have attempted to state in that House, during any part of the latter period of the session, the Speaker might, at the end of the session, without the smallest impropriety, communicate to the King, and to the other House of Parliament, at the bar of that other House. It was on the motion of the member for the university of Oxford, in the committee upon the Catholic Bill, that the clause, in consequence of the loss of which the friends of the measure thought it unnecessary to press it farther, was expunged. That right hon. gentleman, undoubtedly, could not then have known, that the majority of four, which, if it had been carried in the House, must have been reduced to three, by the right hon. gentleman being in the chair, had been procured by most extraordinary influence on the part of the crown. If that extraordinary influence had not been used, he (Mr. Tierney) and his friends should have been in the majority instead of the minority. But it was said, that the Speaker must have made some communication to the throne on the subject of this Bill; an address having been in the former session presented to the sovereign, by which the House of Commons declared that they would, in the course of the then next session of parliament, proceed to take the situation of our Roman Catholic brethren into consideration. Suppose, however, that nothing had been done by the Commons on that subject during the whole of that session of parliament, would Mr. Speaker have felt it to be his duty, at the conclusion of the session, to inform the King that they had abstained from interfering in the matter, because, in so doing, they must have been guilty of something subversive of the constitution? This was a communication which, he apprehended, Mr. Speaker would not have felt himself called on to make: yet, in this he would have done less harm, than that which the speech he had actually made was calculated to produce; as by it, no fewer than 247 members of the House of Commons had been denounced as subverters of the constitution. The mischief did not end here. The Speech of the Speaker had gone forth to the public; and in consequence of his noble friend's notice of the present motion, the committee appointed by a body of 60,800 persons who had petitioned against the Catholic claims, finding their advocate to be in jeopardy, met, and passed resolutions thanking the Speaker for his speech in the committee of the House of Commons; more particularly for having, in his address to the Prince Regent, given due effect to the vote of that committee, by proclaiming it at the bar of the House of Lords. This meeting also resolved, that these resolutions should be fairly copied out on vellum, and be presented to the Speaker. He (Mr. Tierney), however, could not believe that the Speaker would consent to keep in his possession a sheet of vellum which had for its object to vilify 247 of the members, by whose votes he had been elected into the office of Speaker of that House. If the Bill which had come from the Lords, known by the name of the duke of Norfolk's Bill, had been thrown out in this House, would the Speaker have assigned the same reason for the rejection of that Bill? He would not, because that would have been to insult the other House of Parliament. And why be more afraid of them than of this House? The Speaker, at the commencement of every session of parliament, put in a claim on the part of the House to liberty of speech, and that all their proceedings might receive a favourable construction. How hard, then, was it upon them, that he who acted as their mouth, and prayed for a favourable construction on their proceedings, should himself put on the actions of so large a body of them the most unfavourable construction. Because two lines had been struck out of a Bill which had been introduced into that House, the supporters of the measure were represented as intending something subversive of the constitution. Such a charge would not have been suffered, coming from the crown, or from the other House; and should the House suffer it from its own Speaker? He (Mr. Tierney) wished for nothing severe; he only wished for security against the future, that the Speaker might not again denounce the members of that House as subverters of the constitution; and then he would have no occasion for sheets of vellum, such as that to which he (Mr. Tierney) had just alluded, with which to adorn the walls of his house.

General *Mathew* said, the Chancellor of the Exchequer had observed, that not one person had supported the amendment of the member for Bedford; but he assured the House, that he entirely approved and meant to vote for it.

Mr. *Bathurst* defended the Speaker. He did not feel that any of the observations, applied to the Speaker's conduct, had any weight. It was said by a right hon. gentleman, that a Speaker may be eloquent, but he must not be an historian. In what respect had he been giving any history that was not well known to the people of England? A great question had been discussed; and it was known that part of the members of that House took one side, and part the other. Then it was said, that the way in which it had been mentioned at the bar of the House of Lords, was disgraceful to part of the Commons, and that it cast obloquy on the supporters of the Catholic claims. Every man in the country knew that question had been negatived; and what the Speaker said did not divulge any secret, neither could it prevent the question from being again brought forward. It had been urged, that the proceeding, if allowed, would prevent the right of petitioning. Mr. Bathurst, however, could not see that it would be the least impediment to that right. The authorities quoted did not apply. The speech was no more a censure on the Catholics, than a Bill framed to correct abuses would be a censure on the persons committing those abuses. It was merely stating, that the body of the House of Commons, feeling what they conceived due to Protestants, had not consented to this measure. Then it was said, the Speaker made his speech as a private member, and not under the direction of the House. The statement that he made had appeared on the Journals of the House.

Did it not appear on the Votes? The Bill was not thrown out, it is true (said Mr. Bathurst), nor does the right hon. gentleman state that it was: he merely says, we have not thought proper to pass it. When he was called to the bar of the House of Lords, he had a right to say the Bill was not passed. A Speaker placed before the throne had stated facts which he had a discretionary power to communicate. He had truly stated, that a measure of this nature did not pass. The colour which he gave to the proceeding would have been given by the majority of the House, had they delivered their sentiments on the subject. It was usual to give notice of the nature of any motion for a vote of censure to the party principally affected. This he understood had been done by the noble lord; but of the amendment and outrageous censure bestowed upon him by the hon. gentleman who moved the amendment, and of the amendment, he apprehended that he had had no notice. This he could not consider to be fair to the right hon. gentleman. Disapproving both of the motion and amendment, he should, in the first instance, vote that the words of the motion should stand, in order to throw out the amendment. He should afterwards put a negative on the original motion.

Mr. *Whitbread*, in explanation, said he had not intentionally thrown any imputation. He had moved the amendment for the purpose of recording his opinion on the Journals; but it was not his intention to press the House to a division on it.

Lord *Morpeth* said, that after the very able and powerful support which had been given to the proposition that he had the honour of submitting to the House, it would not be necessary for him to say one word in reply. His right hon. friend (Mr. Canning) in his zeal to rescue the right hon. gentleman (the Speaker) from a possible, had fixed a real imputation upon him. The word 'elsewhere,' which is to be found in his motion, had been supposed to imply, that the right hon. gentleman as a sycophant and courtier might gain access to the throne. The truth is, that the expression 'elsewhere' had been taken from a precedent, which did not perhaps apply to the present case, and therefore might be wholly omitted; but if such were his opinion of the right hon. gentleman, he should have framed a very different motion, and should have avowed his opinion without reserve; and this he conceived to be a sufficient answer to an observation of an hon. gentleman (Mr. Bankes), who said that a motion of direct censure would have been more manly and dignified. His great object had been to endeavour to assert the privilege of the House, and he wished to assert it in a manner the least personally offensive to the right hon. gentleman.

The House divided on the original motion—Ayes 106; Noes 274; Majority against lord Morpeth's motion 168.

The Resolution of Mr. Bankes was afterwards carried.

HOUSE OF COMMONS.

Monday, April 25.

Colonial Offices Bill.] Mr. Brogden reported from the Committee of the whole House, on the Bill to amend an Act of the 22d year of his present Majesty, intituled, "An Act to prevent the granting, in future, any patent office to be exercised in any colony or plantation, now or at any time hereafter belonging to the crown of Great Britain, for any longer term than during such time as the grantee thereof, or person appointed thereto, shall discharge the duty thereof in person, and behave well therein;" the amendments which they had made to the Bill; and the amendments were read, and, with an amendment to one of them, agreed to by the House.

Ordered, That the Bill, with the amendments, be read the third time tomorrow.

Governor Ainslie.] Sir *Henry Mildmay* said, that in consequence of some statements which had appeared in the public papers, he felt it his duty to enquire of the right hon. gentleman opposite (Mr. Goulburn), whether any memorial had been received by his Majesty's government from the free people of colour in the island of Grenada, respecting the conduct of governor Ainslie, who had been governor of that island, but who had since been removed to the situation of governor of Dominica? He was also desirous of knowing whether his Majesty's government were aware that a proclamation had been issued by governor Ainslie, threatening, if the slaves who had run away from their masters did not return, that he would order the soldiery to destroy their women and children?

Mr. *Goulburn* answered, that his Majesty's ministers having received some information respecting the memorial of the free people of colour in the island of Grenada, he had, with the concurrence of the noble lord at the head of the department to which he was attached, written a letter to governor Ainslie, to require an explanation of the transaction: in answer to which, the governor had transmitted the memorial alluded to by the hon. baronet, together with documents illustrative of the circumstances as they had occurred. He (Mr. Goulburn) at a subsequent period saw the paragraph alluded to by the hon. baronet, respecting the proclamation alleged to have been issued by general Ainslie, and had written to require an explanation on that subject also, but had not yet received an answer.

Sir *Henry Mildmay* wished to know if these were the only steps taken by his Majesty's government upon this subject?

Mr. *Goulburn* said, that with respect to the first topic alluded to by the hon. baronet, a full enquiry had taken place; the result of which there could be no objection to produce, if required by the House.

Sir *H. Mildmay* begged to be informed, whether governor Ainslie was removed to the island of Dominica, after or previous to the information received in this country, respecting the proclamation of which he had spoken?

Mr. *Goulburn* replied, that the appointment had taken place antecedent to any mention of the proclamation in this country.

Sir *H. Mildmay* then moved, That an humble Address be presented to his royal highness the Prince Regent, that he will be graciously pleased to give directions that there be laid before this House, copy of memorial of the free people of colour in the island of Grenada, respecting governor Ainslie, and all other papers relating thereto.—Ordered.

Corn Laws.] Lord Archibald Hamilton presented a Petition from the chamber of commerce, at Glasgow, against any alteration in the Corn Laws. Ordered to lie on the table.

Sir Henry Parnell presented a Petition from the Queen's county in Ireland, praying that the Corn Laws might be amended.

Lord *A. Hamilton* took this opportunity of asking the hon. baronet to explain what was the course which he meant to pursue in his intended proposition, with regard to an alteration in the Corn Laws; and whether the measure he had in contemplation had not resulted from the Select Committee which sat on this subject in the last session?

Sir *H. Parnell* said, that in pursuance of his notice, he intended to move, that the House should resolve into a committee, to take the Corn Laws into consideration. If the House acceded to this motion, he should propose a series of resolutions, containing the alterations which he had in view; and if these resolutions were agreed to, he should then move for leave to bring in a Bill, founded upon them. These resolutions he had already prepared. They were essentially different from those which he proposed in the last year, in consequence of the alterations which had taken place in the prices of grain. The average importation price he should fix at a sum which would not interfere with the present price of grain or bread. In answer to the question, as to whether the proceeding in question had originated with the select committee which had sat last year, he would answer in the affirmative; but he would add, that it altogether differed from the recommendations of that committee.

The Petition presented by the hon. baronet was then brought up, and ordered to be printed.

Droits of Admiralty.] Mr. *Bennett* observed, that on a former night, in answer to a question which he put to the other side of the House, he was told, that 39,000*l.* had been advanced out of the Droits of the Admiralty, by way of loan, towards paying off the debts of his royal highness the Prince Regent; he was now desirous of knowing, whether any part of the 230,000*l.* which had been advanced out of those Droits towards the assistance of the Civil List, had been devoted in the same manner?

The *Chancellor of the Exchequer* answered, that no part of the loan granted from the fund alluded to by the hon. gentleman to the Civil List, had been applied in the manner which he suggested; as the accounts on the table would prove.

Mr. Le Marchant and the Fraud on the Stock Exchange.] Mr. *Browne* took occasion to ask, whether ministers had taken, or meant to take, any proceeding in consequence of a certain publication which had recently appeared with respect to Mr. Le Marchant, whose name was introduced in the course of the discussion upon the Colonial Offices Regulation Bill. Upon the character of the transaction with which Mr. Le Marchant's name was connected in the publication alluded to, he (Mr. B.) did not think it necessary to express any opinion; but he felt it his duty to inquire, whether it was the intention of ministers to send out Mr. Le Marchant to occupy the important office of Secretary at Antigua, under the stigma which this publication attached to his character?

Mr. *Goulburn* said, that upon the appearance of the publication referred to by the hon. member, it was intimated to Mr. Le Marchant that he was not to leave town until enquiry was made upon the subject.

The Bank Restriction Act.] Mr. *Tierney* thought it could not be deemed premature to inquire, at this advanced period of the session, when the definitive treaty should be signed, what course it was proposed to pursue with regard to the restriction of cash payments by the Bank. According to the existing law, that restriction would cease six months after the conclusion of peace. Now he wished to know, whether it was intended to propose a further continuance of the restriction, and previously to submit the subject to the consideration of a committee?

The *Chancellor of the Exchequer* declared his inability to answer what he considered a string of premature questions. It was impossible for him to state when the definitive treaty of peace would be signed; and he was quite unable to state, at present, what course on that event it would be advisable to pursue with regard to the period of restraining the payment of cash by the Bank.

Mr. *Tierney* disclaimed the desire of pressing any thing prematurely upon the right hon. gentleman; but as the definitive treaty of peace was not likely to be signed until a late period of the session, he thought it expedient to inquire how it was meant to proceed with respect to the Bank? Whether by at once bringing forward a Bill to continue the restriction beyond the period of six months, or previously submitting the affairs of the Bank to the consideration of a select committee?

The *Chancellor of the Exchequer* said, that he was not prepared to answer that question.

Petition of Mr. Duncan.] Lord A. Hamilton presented a Petition of Andrew Duncan, printer to the university of Glasgow; setting forth, "that certain printers in London have lately presented to the House a petition, the prayer of which is to withdraw from him and from the other University printers rights and privileges secured to them by law; and the tendency of which is to impress upon parliament and the public the belief that the Scottish university printers, and especially the petitioner, have been guilty of abusing their privileges, and thereby, besides doing injury to the London printing trade, they have defrauded the revenue, both by the unwarrantable extension of their privileges, far beyond the intention of the legislature, and by claiming and obtaining on the exportation of their books a second payment of duties, of which they had previously received the draw-back; and that the petitioner, having been particularly alluded to in the petition of which he complains, feels himself called upon to meet these charges, by solemnly denying that he has ever in the slightest degree transgressed either the letter or the spirit of the law; and praying, that the House will reject, as frivolous and groundless, the complaints of the London printers, and suffer him and the other University printers to continue in the enjoyment of a privilege now secured to them by law, and the proper use of which may be favourable to the advancement of learning and the commercial interests of the country."

On the motion for its being laid on the table,

Mr. *Rose* said, that he was not aware that any petition which he had presented contained a charge of fraud and perjury against any set of individuals; nor would he, if he were conscious of such a charge being contained in a petition, be the instrument of presenting it to the House. The petition which he did present certainly contained a charge against the printers of the university of Glasgow, of printing learned books to an extent which was not sanctioned by law. This was all he recollected the petition went to; and he had, upon reading it, discovered nothing which he considered improper. In presenting it, however, he by no means pledged himself to the truth of its allegations, and had merely done that duty which he felt he was bound to perform. Upon receiving a copy of the petition presented that night by the noble lord, he had put it into the hands of the gentlemen who had first applied to him: and, having done so, it was with them to support their charge in the best manner they could.

The Petition was then ordered to lie on the table.

CORRUPTION OF BLOOD.] On the motion of sir Samuel Romilly, the House resolved into a committee upon the Bill to take away Corruption of Blood in the punishment of felony or treason.

Mr. *Yorke* enforced his former objections to the general principle upon which this measure was grounded, involving as it did an alteration in the old established law of the country. As the principle was admitted, that we should in no case legislate *de novo* without necessity, so the strongest grounds of necessity should be adduced to warrant legislation against an established system; and he saw no grounds for the very material change which the Bill proposed. To that part of it which related to lower felonies, his objections were not so strong, although he could not help considering the change as disadvantageous. But to the removal of the Corruption of Blood from the punishment of treason and murder, he strongly objected. It was to be recollected, that this punishment was as ancient as the law of England—as any of those laws which established the security of property—as ancient as the law which settles the succession of the father's estate upon the eldest son—as other laws, which no rational man could wish to alter. But independently of the long establishment of this law, which entitled it to respectful consideration, he contended, that its policy and expediency were unquestionable, because it provided for the safety of society, by providing for the punishment of the greatest crimes by which society could be attacked. The value and importance of this part of our law was indeed established by the high authority of lord Coke, from whom the right hon. gentleman read a long extract, in support of his opinion. The right hon. gent. said, he would ask, was there any reason for the alteration of this part of our law, which was not a technical formality, but a substantial and constitutional feature in it? Had any inconvenience arisen from the practice of the law as it now stood? On the contrary, would it not be a slur on his present Majesty's reign, marked throughout by the mildness with which the laws, particularly those relating to high treason, had been administered, to repeal this statute at the present time, as if any unjust use had been made of it? In the period of this reign the minds of men had been shocked, alarmed, and, as it were, set adrift by three dreadful events which had threatened the disorganization of society in general, and the destruction of this country in particular; the rebellion of America, the French revolution, and, lastly, the rebellion in Ireland. Was it immediately after events like these, and with all their horrors still staring us in the face, that any prudent man would propose to make alterations in the laws relating to high treason, or to diminish the terrors of the punishment? Again, when we recollected the many atrocious and barbarous murders lately committed in the metropolis, and unexampled in any former period, could we consider ourselves as entering upon a new golden age, or as living here in Arcadia? From the many evils with which we were threatened from our superabundant population and other fearful causes, we ought to hesitate extremely before we admitted any considerable relaxation in the sanction of the law, or loosed the hold on the actions of others, which, as all writers agreed, the principle of regard for their posterity, whether vanity or a better feeling, gave us over them. The hon. gentleman concluded with stating, that he should propose to leave out of the Bill the words, "or treason," and that it should run thus, "that no attainder of felony, not extending to treason, petty treason, or murder, do lead to corruption of blood."

Sir *James Mackintosh* said, it was with unfeigned regret that he was compelled to dissent fromthe reasoning of the right hon. gentleman who had last spoken. It was true, he admitted with him the antiquity of the present law; it was as ancient as any other of our laws relating to high treason; but it was not more ancient than the law enacting the infliction of the *peine forte & dure*; it was not more ancient than the statute *de heretico comburendo*; it was not more ancient than the sentence for burning women convicted of petit treason, nor was it more ancient than any other of those disgraceful and oppressive statutes which formed the whole of the feudal system. It was asked, what necessity there was for altering the law in this respect? He would answer, the same necessity that there was for repealing the law for the infliction of torture, for the burning of women, or the burning of heretics—the necessity that in a humane and enlightened age and country the laws should not be sullied, the heart hardened, and the understanding insulted, with barbarous and absurd enactments—a necessity the loudest, the most imperious, and the most indisputable of all others. The spirit of mildness and humanity which had characterized the administration of justice in the present reign he was not certainly disposed to deny. But what was the inference drawn from it by the hon. gentleman? Why, that they were not to catch any part of that spirit, that they were not to embody the same views and principles in any legislative measure; but to leave the code of English jurisprudence branded and stained as it was with barbarous and obsolete anomalies. On a subject so trite as that of the laws of confiscating property, and on which so much ability had been displayed in that House, he could have been contented not to have offered any arguments, but to have given a silent vote; but he wished to make a few observations on this part of the subject, both as a native of Scotland himself, and as the representative of a respectable body of Scottish freeholders. The majority of those who heard him were not to be informed, that the punishment of corruption of blood was unknown to the ancient law of Scotland, as well as of every other country of Europe. This punishment was first extended to Scotland by the 6th of queen Anne, in cases of high treason; but the corruption of blood for felony had never been introduced into Scotland; and indeed he (sir James), though not a Scotch lawyer, believed that the term 'felony' itself did not exist in their law. And here he would beg to call the attention of the House shortly to the circumstances under which the 6th of queen Anne had been passed, as they were related by that very correct and honest historian (for such he appeared to him), bishop Burnet. After the law was passed, a proviso was brought in, that it was to end on the death of the Pretender. In consequence of this proviso, the opposition which had been made to extending it to Scotland ceased. But it only ceased in consequence of the addition of this clause, which therefore partook of the sacredness of that whole arrangement. We were informed by bishop Burnet, that when he wished to propose the repeal of the confiscating laws in 1716, he was told that such a repeal would be proper in good times, but that circumstances then rendered them necessary: and by whom was he told so? By lord Somers and lord Cowper, who were at that time the lights and ornaments of their country. The circumstance which in their minds must have weighed against the immediate repeal of these laws was the French invasion of Scotland the preceding year (1715) in favour of the Pretender; so that it appeared to them, who were the framers and supporters of this very Bill, that any extension of it beyond a period of imminent danger and alarm was a violation of the principle on which it was brought in. In 1745, half a century after its first introduction, lord Hardwicke had made a declaration to the same effect, when he restricted the necessity of the continuance of the Bill to the Pretender's life-time: and it appeared from the debates of that period (lately published),* as well as from the preamble of the Bill itself, that it was only intended to meet the pressure of circumstances, and was regarded as a rigorous and violent measure, unworthy of "good times." From the year 1709 to the year 1799 he stood on the authority of the greatest lawyers and statesmen that this country had produced, that the Bill was to be considered as a temporary and accidental expedient, and not as a necessary and fundamental part of the law of the land; and that the making it general and unconditional in 1799 was the real innovation; for, that is an innovation which alters the existing law. That innovation, however, had been introduced in times of danger, and discord, and civil war; and did not therefore afford any precedent or any apology for its continuance in the present circumstances. It had been asked, why his learned and hon. friend had not extended his proposed alteration of the law to forfeiture, as well as corruption of blood. Indeed, it had been objected to his learned and hon. friend generally, that he was too much a reformer in detail, too minute, and cautious, and fearful. He thought that this objection was in itself a singular one; and besides, with respect to the particular instance, there was this difference between the law of forfeiture and the corruption of blood, that the former was common to us with other countries; but the latter peculiar to ourselves, and was therefore proved by general experience not to be essential to the security and preservation of a state. For himself, he held both in equal (he would not say disapprobation, but) abhorrence. With respect to the corruption of blood, he would say, that if any Anti-Utopian philosopher were to sit down to contrive a law which was to realize, not the greatest possible good, but the greatest aggravation of folly and injustice, he could not invent any thing more preposterous than the present law on that subject. For it was a law, not to inflict a direct and heavy punishment on the offender, and a remote and contingent one on his posterity, but to inflict very often a serious and certain punishment on the innocent, and either a very slight one or none at all on the guilty. To suppose that a law, like that under the consideration of the committee, would have the effect of deterring a man from the commission of a crime; to imagine that this law, through which a person unborn might, some fifty or a hundred years after the criminal's decease, miss an estate which he might otherwise have gained, was to entertain an expectation more wild and extravagant than had ever been dreamt by the wildest sophists while forming visionary schemes of government. No stronger case was necessary to shew the impropriety of continuing this law, than one which an hon. and learned gentleman (Mr. Plunkett) had brought forward; where, through corruption of blood, an estate was lost to the children of an officer in his Majesty's army, who had been engaged in suppressing the rebellion, in which his relation was concerned. This hardship had been endured, to maintain the beautiful theory, that the corrupted blood of a traitor could not be a channel for the transmission of any property. For this, the children of an officer who had devoted his life to the cause of loyalty were to be made beggars; as if it were not enough that their unfortunate parent should draw his sword against his kinsman, and probably be placed in the distressing situation of unconsciously depriving his relation of life. Could it be thought that it was no hardship for the children of such an officer to go on their knees to beg that bread, which, but for this law, they might have claimed as their right. He did not wish to asperse those through whom the bounty of the crown was exerted; but he should despise that man who did not feel it a degradation to be compelled to implore that bounty. To be placed in this situation, was revolting to the pride of an Englishman—to those feelings which had made this country what it now is, and what, he trusted in God, it would ever remain. The limitations which had been set to the operation of this law, proved that it had been considered as an innovation on the established system. It had been condemned by lord Somers in 1708, by lord Hardwicke in 1744; and a time more favourable for its repeal than the present, could never be expected to arrive. At a period when, as had truly been said, all were united in gratitude to Almighty God for those stupendous events which had assured our safety and repose, it would be well that they should proceed to abrogate the ancient severity of those laws which might be relaxed—to remove the brand and remnant of civil convulsion—to do away that miserable absurdity, which only served to furnish a subject for invective and criticism to those who opened our statute book in order to abuse it. He concluded, by pronouncing an animated eulogy on the conduct of the emperor Alexander; and expressing a hope, that the happy change effected through his firmness, would be productive of important domestic reforms, affording as it did the fairest opportunity for attaining them.

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* See Parl. History, Vol. 13, p. 704.

The *Solicitor General* (Mr. Serjeant Shepherd) began by denying the assumption of the last speaker, that the proceedings of the legislature in 1799, with respect to the corruption of blood, was an innovation; and contended, that it was rather a restoration of the law as it existed previously to 1708. Admitting also that the account of the learned and eloquent member was accurate, so far as it regarded the application of the law to Scotland, it by no means followed, that the eminent authorities he had cited, who condemned the corruption of blood as extending to that country, condemned it also as applying to England; for if they did, it was very singular, that in the reign of George 2, they should have extended its term of operation. But, it had been said, this was done because the same reason then existed for it as in 1708; viz. that it should continue in force as long as the descendants of the Pretender were living; it was marvellous, however, if all this were correct, that in 1799, when the last descendant of the Pretender was dead,* no one found out that the principle of the law was an innovation. In fact, it was no innovation; it had been a compromise between the parties in the reign of queen Anne; and it was fit that it should be restored to its ancient form when the reasons for that compromise no longer subsisted. He thought the antiquity of a law was a strong argument why any proposed alteration of it should be well and maturely considered. The general law of corruption of blood had been recognized time after time by a variety of acts of parliament, wherein new felonies had been created, and from which the penalty of corruption of blood had been expressly excepted; thus confirming it as effectually, and almost with equal force, as if re-enacted. He hoped the House would pause, therefore, before they consented to any alteration of a punishment which was founded in the principle of common law, was recognized by Magna Charta, and over and over again by repeated acts of parliament. Corruption of blood, as far as it related to treason, he was decidedly of opinion, ought not to be taken away, because its operation upon the affections and sympathies of men was such as might have the effect of deterring them from the commission of enormous and desperate crimes; and though he should prefer that the obligations of moral duty might alone be sufficient to curb the licentiousness of vice; yet, as they well knew that such obligations were not always effective, he, for one, felt no objection in making the best affections of our nature controul its worst passions. It was well in the hon. and learned gentleman to quote the case relative to the officer's family: but would it be wise in the House to allow general measures to be altered, because particular cases of hardship were to be found? This must be the more felt, when, in cases like that referred to, the crown had always, in modern times, interfered to do the sufferers justice. But the learned gentleman wished the law of forfeiture, as well as that of corruption of blood, to be done away. He (Mr. Solicitor Gen.) wished to know at once, to what length he would propose to go, that he might see how far he meant to change the present system. It appeared to him, that corruption of blood, as founded on the common law, and acted upon in modern times, ought to continue. The crown of late years had not interfered, but to benefit the family of the criminal, and to save them from that danger to which they had been left exposed but for the existence of this very law. He wished it therefore to continue over the criminal *in terrorem,* and to protect in particular cases his family by escheat.

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* The learned member seems not to have been historically correct in this part

Sir *S. Romilly* acknowledged, that he felt at the same time great concern and great satisfaction. He was sorry, from the speech of his hon. and learned friend, to find that he was to have him as an opponent in the present measure; but the liberal, candid, and moderate manner in which he had exhibited that opposition, though it was no more than what, from the habitual suavity and amenity of his hon. and learned friend, he might have expected, could not but give him the highest satisfaction. He had hoped, however, that his hon. and learned friend would have given his reasons much more at large, why it was his wish, or why he thought it necessary, to retain this punishment. He could not but be surprised that his hon. and learned friend, or any other person, could be desirous to retain a practice which was a disgrace to our laws; while at the same time it was in reality no punishment whatever, if the criminal chose to make a will before he was found guilty. He was sorry that he could not coincide in opinion with the hon. gentleman; because, though convinced that high treason was an offence of greater enormity that murder, and ought to be more severely punished; yet, he was equally convinced that corruption of blood was unfit for any punishment. In the first place, it fell upon the innocent, and not upon the guilty; and in the next place, it depended upon the will of an individual, whether it should have any operation or not. If a person died intestate, and the heir could not make out his pedigree, but through the blood of one tainted with felony, then the law would take its course; but if the estate or property was devised, there existed no power in the law to prevent its transmission. And was that fit for a punishment? If this, however, was the law of the land, why did not his hon. friend bring in a Bill to make it general? It was not so at present. Corruption of blood was not known in any part of the county of Kent. Were murders to be indulged and tolerated there as a privilege? And that was an argument against the antiquity of the law; for the ancient law of the land was the law of the county

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of his argument; as cardinal York did not die before 1807.

of Kent, viz. the law of gavel-kind. What signified, however, the antiquity of a law? The question to be considered was, whether it was fit for its purpose, whether it was adapted to the existing state of manners and society, and not whether it was enacted by one set of barbarians or another. Mr. Justice Blackstone had disapproved of it. In the last chapter of his Commentaries, when speaking of the advantages which had flowed from the Revolution, among others he had mentioned this, "that it opened a prospect, that corruption of blood would be entirely done away by one general and undistinguishing law." He enlarged on the cruelty and injustice of this statute; he had no wish to change the general system of the criminal laws; but where he thought they might be altered for the better, he should continue to offer those suggestions which he thought would be of service. No time could be fitter for working such reforms than the present. Europe had long enough given her attention to scenes of carnage and desolation. A bright prospect now opened before her. It had been said, by the greatest poet, perhaps, of which this or any other country could boast, that

"——Peace
"Has victories not less renown'd than war;"

and at many such triumphs he hoped to be present in that House. There it was his hope that victories would be gained, for which shouts of exultation would ascend to Heaven, uninterrupted by the groans of the dying, and the lamentations over the dead. Among writers on the subject in other countries, he had met with only one who said any thing in favour of the doctrine. It was a French gentleman of the name of Tournelle, who was allowed to be not only a man of learning in his profession, but of very extensive acquirements in general literature. The mode in which he put it was, he believed, as follows:—"*Il faut percer le cœur du pere par le sein du fils;*" which was more of the nature of a dictum of his own fancy, than partaking of any sound principle of reason or argument. The learned gentleman had said, the power of the crown had not been harshly exercised in modern times. In one instance he (sir Samuel Romilly) thought it had, in the case which he had mentioned when bringing the subject forward, and which he would now repeat. He then re-stated the case of a woman of the name of Elizabeth Wisdom, who had been found guilty of murder at Oxford, in the year 1747. An estate, to which she many years afterwards became entitled, (for she had by some means obtained her pardon) had been purchased by a gentleman (a Mr. North) for a valuable consideration, and had been held by him as such *bonâ fide* purchase. Within a short time, the son of this woman claimed the estate; and the conviction for murder, and consequent corruption of blood, was pleaded in bar of the claim: on which the woman, who is still living, though at a very advanced age, turned informer, and apprised the government of the right of escheat. Government had proceeded at law to recover it, and most expensive proceedings were now heaped upon the man who had given a fair and valuable price for it.

The *Solicitor General* said, that Mr. North, the person who purchased the estate in the case mentioned by his learned friend, had done so, with a perfect knowledge of the title possessed by the party with whom he made the bargain. The son of the woman, he believed, committed the murder; and the woman herself had some claim on the estate, of which Mr. North had full knowledge at the time he made the purchase. When she stated her claim, it was set up, in opposition to her, by the purchaser, that she could not prosecute it, in a court of justice, as the estate had been forfeited by the commission of the crime of murder. The crown, in consequence, interfered, and claimed the property, as an escheat, to prevent it from being withheld from the descendants of the woman. This was an act, not of oppression, but of justice.

Sir *S. Romilly* said, he believed his learned friend had been misinformed. The woman herself, not her son, had been convicted of murder; and, on the other points, his statement appeared to be equally incorrect. This he (sir S. Romilly) could positively assert, that not one of the circumstances mentioned by his learned friend appeared in the progress of the case—they were kept profoundly secret. Of this he could speak, as a witness of the proceedings. The estate had passed through a variety of hands since the year 1747, without any claim whatever having been advanced.

Sir *James Mackintosh* said, that it was of little consequence which of the statements was the correct one; either way the inference was decidedly against the principle which the learned gentleman (the Solicitor General) supported. It certainly varied the person by whom the abuse was practised; but still it shewed, that it was a principle which was employed abusively or fraudulently by one party or the other, either by the purchaser or the woman, and was, therefore, liable to misapplication on future occasions. It also proved, that unless the property, in a case of forfeiture, became an escheat of the crown, there was no remedy whatever. This doctrine, of the corruption of blood, was founded, it was said, on ancient and modern authority. The ancient authority was pointed out in the following passage in a letter from Cicero to Brutus—"Nec vero me fugit quam sit acerbum parentum scelera filiorum pœnis lui; sed hoc præclarè legibus comparatum est, ut caritas liberorum amiciores parentes reipublicæ redderet." With respect to this authority, however, it was to be observed, that the most learned writers and critics declared the letter, from which it was extracted, to be spurious and surreptitious. The modern authority was, Mr. Yorke's Considerations on the Law of Forfeiture, which was opposed by no less a lawyer than judge Blackstone.

Mr. *Yorke* said a few words in defence of the principles he had before laid down.

Mr. *Preston* pointed out various hardships that arose from the corruption of blood. Among these he particularly dwelt upon the circumstance, that children born before corruption of blood was taken away by pardon could not inherit from their father, while those who were born afterwards could.

Mr. *Lockhart* supported the amendment. The argument of the right hon. gentleman (Mr. Yorke), founded on the antiquity of the law, so far back as the Norman conquest, remained untouched. It had been asked, why had the writ De Comburendo Hæretico, and the punishment 'Peine forte et dure' been done away? But the corruption of blood was very different. This, however, was the only answer the right hon. gentleman had received, except the case of the woman convicted of murder at Oxford in 1747, which was one of those miraculous occurrences that could very seldom happen. Part of the argument of those who supported the Bill, he conceived to be just. He did not think that the midnight assassin would be prevented from committing murder, through the fear that his family would suffer. But, with respect to high treason, he thought such a result was to be expected. Would not men of high minds, of strong passions, and of lofty ambition, be deterred from embarking in treasonable schemes, when they reflected on the ignominy which it would stamp on their descendants—when they considered the *flatrée,* as the French termed it, by which it would mark their posterity? To men of this description it would act as a preventive of the crime; it would incite them to pause before they committed it. But he did not think corruption of blood should be visited on minor offences—and such was the opinion of Mr. Justice Blackstone, who, in speaking on the penalties of high treason being extended to coining, observes—"This confounds the distinction and proportion of offences; and, by affixing the same ideas of guilt upon the man who coins a leaden groat, and him who assassinates his sovereign, takes off from that horror which ought to attend the very mention of the crime of high treason, and makes it more familiar to the subject." He was willing to alter the law, as it respected other crimes, but not with reference to high treason.

A division then took place.

For the Amendment.........	47
Against it	32
Majority	—15

Mr. *Yorke* proposed as an amendment, "That the provisions of the Bill should not extend to high treason," which was carried without a division. The right hon. gentleman next moved, "That petty treason should also be exempted from its provisions."

Mr. C. W. Wynn, Mr. Preston, and Mr. W. Smyth, opposed the motion, which was supported by Mr. Yorke and Mr. Bathurst.

The amendment was carried, the other clauses agreed to, and the report was ordered to be received on Friday.

HIGH TREASON PUNISHMENT BILL.] The House having resolved itself into a Committee on the above Bill,

On the reading of that clause, by which the punishment was simply restricted to hanging;

Mr. *Yorke* moved, "That after the words, 'and there be hanged,' the words, 'and then be beheaded,' should be inserted." He allowed, that the punishment was very shocking, and very horrible; but if it were altered, it would be less severe than it ought to be; and the effect would be proportionably weaker, as it respected the prevention of crime.

Sir *S. Romilly* would not take the sense of the committee on the amendment, although he by no means approved of it. He did not think that the exposing to public view the mangled remains of a criminal could have any good effect. Men could not be accustomed to look on such horrid sights without becoming hardened and insensible.

Mr. *Whitbread* observed, that although his learned friend did not mean to take the sense of the House on the amendment, yet he could not help expressing the disgust he felt at the wording of the clause they had just heard read. It was too horrid, he thought, not to disgust every gentleman in the committee.

Mr. *Yorke* said, when they were making laws for the infliction of punishment, they must, necessarily, use those words which the hon. gentleman so much disliked. It seemed, however, most extraordinary, when measures of this kind were under consideration, that gentlemen should feel all the pity for those culprits whom the enactments meant to curb and controul; and none at all for the evils which the public might suffer, if they were not in existence. In the case, for instance, of a successful treason, where war was levied within the realm, what evils would the public be subjected to? How many houses would be burned—how many murders perpetrated—how many rapes committed! These circumstances were all, it appeared, forgotten, in commiseration of the criminals.

Sir *S. Romilly* was surprised that the right hon. gentleman, as he was so much attached to the ancient system, did not contend for the propriety of embowelling a man alive. When he assented to the necessity of disgusting exhibitions, why did he not propose that? The right hon. gentleman had spoken, as if he and his friends alone had any care for the general welfare of the state. (Hear, hear, from the Treasury benches.) The sentiment seemed to be cheered, as if it were a just one!—That sentiment, however, which appeared to be levelled against him, he would repel. In every attempt he had made, his object was, to prevent the commission of crime, not to accelerate it. But the right hon. gentleman had condemned himself. Upon his own principle, he had been unmindful of the public safety, since he had agreed to some of the alterations in the criminal law.

Mr. *Yorke* did not think that his observations deserved such severe animadversion. What he said was called for, he conceived, by the statement of the hon. gentleman (Mr. Whitbread); and he certainly never meant to insinuate, that the learned gentleman or any other individual harboured a wish to protect criminals at the expence of justice. He gave the learned gentleman credit for the purity of his motives, and trusted that he would act with equal liberality. He was extremely sorry that on this subject he had the misfortune to differ from a gentleman whose extensive knowledge of the law, and whose general abilities, were entitled to the highest respect.

Mr. *Whitbread* said, he never wished to protect traitors or treason; but still, he repeated, he could not hear without horror the wording of the clause just read. The right hon. gentleman had often expressed his readiness to assist in a revision of the laws; but, when he came to work, his assistance was found to be of a very limited nature. It was a most extraordinary circumstance, in the present day, that there was no gentleman who wanted to obtain a correct opinion on a point of law, however complicated, and how dear soever the interests which it involved, who would not cheerfully appeal to his learned friend, whose theoretical knowledge was fortified and sustained by the greatest experience: he would not hesitate to put his estate, his character, his life, into the hands of his learned friend; and yet, when he proposed to alter that law of which he was the best judge in the kingdom, he was regarded with jealousy and suspicion—he was looked upon as a man who wished to do mischief to the country. His labours had not, however, been entirely lost. The speeches which he delivered, when he introduced his different alterations, still remained. Some of those alterations he had effected; and, if his life were spared, he would persevere in bringing forward the remainder. But still, he had comparatively laboured in vain—for he was unceasingly opposed by those who best knew his merits!—The right hon. gentleman said, those who supported the Bill wished to lessen the punishment for high treason, by which the public interests would be endangered. And what did the right hon. gentleman himself propose? To leave the dead body to the disposal of the king!—To have the head cut off, after the criminal was hanged!—Such scenes as these were not fit to be beheld. Well did his learned friend say, that men could not gaze on them with impunity!—The principle was exactly the same as that which taught the police, when the dreadful murders were committed some time ago, to carry the dead body of the suicide, accompanied by the instruments with which he committed the bloody deeds, through the city, in triumph, to appease, as it was said, the fears of the people! This was a most impolitic proceeding—and appeared to him, like the provisions to which the right hon. gentleman was so much attached, as injudicious as it was disgusting.

Mr. *Yorke* said, he had proposed nothing. He only endeavoured to preserve that which constituted a part of the ancient law of treason.

Mr. *Bathurst* argued, that the punishment of treason operated, by the horror which was attached to it, to prevent the commission of the crime. The giving up the bodies of murderers for dissection was equally horrible, yet no complaint was made against that award of the law.

Mr. *W. Smith* said, the objection to decollation did not arise from any wish to lessen the punishment, but from a desire to prevent the occurrence of spectacles which tended to destroy every vestige of feeling in the breasts of those who witnessed them. As to the giving up of bodies for dissection, it was, with respect to the study of anatomy, attended with good effects.

Mr. *Whitbread* observed, that the same Act which authorised the bodies of malefactors to be given up for dissection, also gave a discretionary power to the judge to order them to be hung in chains. The latter custom had, however, been abandoned for years; it was found not to operate in the slightest degree to the prevention of crimes, while it placed before the public eye the most disgusting spectacles. The dissection of bodies had not that effect.—The public were not, in that case, shocked with any horrid exhibition, beyond the death of the criminals.

The clause, as amended, was then agreed to.—The House resumed, and the Report was ordered to be received on Friday.

Report from the Committee of Supply.] Mr. Brogden reported from the Committee of Supply the following Resolutions, which were read, and agreed to by the House:

1. Resolved, That a sum, not exceeding 28,725*l.* Irish currency net, be granted to his Majesty, for defraying the expence of the Foundling Hospital in Dublin, from the 5th day of January 1814 to the 5th day of January 1815.

2. That a sum, not exceeding 49,113*l.* Irish currency net, be granted to his Majesty, for defraying the expence of supporting the House of Industry, Hospitals and Asylums for Industrious Children in Dublin, from the 5th day of January 1814 to the 5th day of January 1815.

3. That a sum, not exceeding 14,160*l.* Irish currency net, be granted to his Majesty, for defraying the expence of the Hibernian Society for Soldiers' Children at Dublin, for one year, ending the 5th day of January 1815.

4. That a sum, not exceeding 2,697*l.* Irish currency net, be granted to his Majesty, for defraying the charge of the Hibernian Marine Society in Dublin, for one year, ending the 5th day of January 1815.

5. That a sum, not exceeding 2,140*l.* Irish currency net, be granted to his Majesty, for defraying the expence of the Female Orphan House in the Circular Road, Dublin, from the 5th day of January 1814 to the 5th day of January 1815.

6. That a sum, not exceeding 7,998*l.* Irish currency net, be granted to his Majesty, for defraying the expence of supporting the Westmorland Lock Hospital in Dublin, from the 5th day of January 1814 to the 5th day of January 1815.

7. That a sum, not exceeding 3,070*l.* Irish currency net, be granted to his Majesty, for defraying the expence of the Lying-in Hospital in Dublin, from the 5th day of January 1814 to the 5th day of January 1815.

8. That a sum, not exceeding 2,548*l.* Irish currency net, be granted to his Majesty, for defraying the expence necessary to be incurred by the commissioners for building sir Patrick Dun's Hospital at Dublin, for the year ending the 5th day of January 1815.

9. That a sum, not exceeding 1,418*l.* Irish currency net, be granted to his Majesty, for defraying the expence of Doctor Steevens's Hospital at Dublin, from the 5th day of January 1814 to the 5th day of January 1815.

10. That a sum, not exceeding 5,000*l.* Irish currency net, be granted to his Majesty, for defraying the expence of the House of Recovery and Fever Hospital in Cork-street, Dublin, for the maintaining and relieving 3,000 patients, from the 5th

day of January 1814 to the 5th day of January 1815.

11. That a sum, not exceeding 3,473*l.* Irish currency net, be granted to his Majesty, for defraying the expences which may be incurred by the Association for discountenancing Vice and promoting the Knowledge and Practice of the Christian Religion, from the 5th day of January 1814 to the 5th day of January 1815.

12. That a sum, not exceeding 116*l.* 5*s.* Irish currency net, be granted to his Majesty, for defraying the expences of the Green Coat Hospital of the city of Cork, for one year, commencing the 5th day of January 1815.

HOUSE OF LORDS.

Tuesday, April 26.

GOLD COIN BILL.] The Earl of Liverpool moved the third reading of the Bank Restriction or Gold Coin Bill.

Lord *Lauderdale* expected, considering the importance of the subject, that the noble lord would have stated his reasons for proposing this continuation of the measure. It was a subject of the very highest importance. By the law as it at present stood, the Bank, it was known, must resume payment, in cash, in six months from the signature of a definitive treaty of peace. Whatever were the opinions on the subject of the circulation of the country, whether gold had risen in value as some thought, or paper had fallen as others thought, he presumed all must agree, that as to this resumption of payment by the Bank, there must be some regulation. This would be a matter for very serious consideration, even if the paper of the Bank of England had been the only Bank paper in circulation; but when it was considered, that there were no less than 900 other establishments of this description, which in their issues of paper naturally looked solely to their own interest, the subject must appear of still more serious importance. When this restriction was first imposed, the matter had been investigated by parliamentary committees; and when, in six months after, its continuation was proposed, the subject was again submitted to the investigation of committees of parliament. He hoped, that before any specific measure should be proposed on the subject under the present circumstances, a similar investigation by a committee of one or both Houses of Parliament would take place. He also expressed his hopes, that the executive government would, at an early period, bring the matter forward, and not delay it till a period at which it could not be considered with the attention that its importance demanded. Something, it was obvious, must be done this session; and the sooner it was brought under consideration, the better. At the same time, it was a most delicate subject, and required to be touched with caution. This country was in a most extraordinary state in regard to its circulation. Other countries had nearly as long been engaged in war, and yet had continued to pay in cash. But he did not mean at this time to enter into the subject at length; and even if he were more inclined to do so than he was, he should almost have been deterred from doing so by the state of the attendance: he now merely wished to call the attention of ministers to the great importance of the subject, and to state his opinions as to the line of proceeding which they ought to adopt in relation to it. It must soon come before their lordships in a more extended shape; and till that opportuity, he should reserve what he had to say with respect to this very important question.

The Earl of *Liverpool* stated, as his reason for not having made any observations on the subject now, that he understood it to be the opinion on all sides, that they must have such a Bill for a short time at least. With respect to the general question, he admitted that it was one of very great importance, and one which must be touched with great delicacy. The situation of the country with regard to its circulating medium was certainly one in which no country in the world perhaps had ever before been placed; but without these deviations from the ancient principle, the great exertions which had been made for some time past, and especially the exertions of last year, could not have been made. He admitted, however, that now it would be proper, as soon as it could conveniently be done, to revert to the ancient system, or rather to the principles of the ancient system, as nearly as circumstances would allow. The attention of ministers would, of course, be turned to the subject; and the result would be brought forward in the manner which might appear best calculated to answer the intended object. But in the mean time, he apprehended there could be no difference of opinion as to the necessity of the passing of this Bill, and of continuing the present arrangement, till some other could be more maturely and deliberately examined and discussed.

The Bill was then read a third time and passed.

Helleston Election Bill.] Earl *Stanhope* proposed the first reading of this Bill; as there were some petitions to be presented against it, which could not be received before the first reading. The principle of the Bill was excellent; but as to its propriety in the particular instance, from ignorance of the facts, he was unable to form any opinion. The reason why he took part in the Bill was, to shew that he had no hostility to it, as he had opposed a similar one in the last session, which was then thrown out, in pursuance of an excellent maxim of their lordships, never to proceed on evidence taken by the Commons, but to examine their own witnesses.

The Bill was read a first time.

HOUSE OF COMMONS.

Tuesday, April 26.

The Fifth of Elizabeth.] Mr. *Lockhart* presented a Petition, signed by upwards of 7,000 masters and journeymen carpenters and joiners, residing in various parts of England, against a Petition laid on the table of the House, on a former occasion, by the right hon. George Rose, which prayed certain alterations in the 5th of Elizabeth, materially affecting the interests of the present petitioners. The petitioners also stated their conviction of the necessity of a seven years apprenticeship, in all trades involving art and mystery; and that such a service was essential to the improvement and prosperity of the arts and manufactures of Great Britain. The hon. gentleman then went on to state, that the principles by which the trade of the carpenters had been regulated were of such a nature, that it would be injurious to their interests if they were altered or subverted; which, they conceived, would be the case if the 5th of Elizabeth were altered in the way proposed.—The Petition was ordered to lie upon the table.

Dublin Foundling Hospital.] Mr. *Peel* said, the object of the Bill which he meant to introduce was, to enable the governors of the Foundling Hospital in Dublin to limit the reception of children into that Hospital to a certain time of the year. The ground upon which the Bill was introduced was, the great mortality that occurred from bringing infants to the Hospital at inclement seasons of the year. It occurred, that in one year infants to the number of 180 were rendered incapable of swallowing from the badness of the season at which they were brought to the Hospital. His object was, to limit their reception to a certain period of the year. He should therefore move for leave to bring in a Bill to amend the several Acts respecting the Foundling Hospital in Ireland.

Sir *John Newport* had not heard of the mortality alluded to; but he was not prepared to give an opinion upon the subject.

Leave was then given to bring in the Bill. It was read a first time, and ordered to be read a second time on Thursday next.

Election Expence Bill.] Mr. Douglas having moved the order of the day for the second reading of the above Bill,

Mr. *Lockhart* rose to oppose the measure as unnecessary, and likely to be quite inoperative to its professed object; at the same time that it would be productive of many inconveniencies. It was unnecessary, because the statutes of William and the 2nd of Geo. 2, already made sufficient legislative provision against bribery, by prescribing that the candidate should forfeit his seat; and also that the giver or receiver of any bribe, at or previous to an election, should be subject to a penalty of 500*l.* Now, any money given to non-resident voters, in the way which this Bill proposed to prevent, must be regarded as a bribe, and already punishable by law; and if this law were inefficient to guard against the evil, what hope could be entertained from the Bill before the House, which in fact proposed to diminish the horror of the existing law, by taking away the penalty prescribed by the 2nd of George 2. The inconveniencies which the Bill would occasion, the learned gentleman endeavoured to shew by referring to the difficulty it would create in the conveyance of non-resident voters to boroughs and universities; but why this difficulty, if just, should not be extended to counties also, he could not conjecture. He was, however, adverse to the creation of the difficulty at all, because he thought that non-resident voters were generally less corrupt than those resident; and that where the representation of boroughs was confined to the latter, they often had 40*l.* or 50*l.* each; the borough was reduced, and generally fell into the hands of some neighbouring peer; whilst, on the contrary, non-resident voters served to preserve an equilibrium; and, generally, the independence of the borough was owing to them. This Bill would, besides, virtually operate to disfranchise a vast number of non-resident voters who could not afford to pay the expence of carriage to the election where they had a right of voting. The House then only had a choice of evils; and in his opinion it would be far better to fix by law the sum that should be allowed to defray the travelling expence of every non-resident voter, than to adopt this Bill. After a variety of other observations upon the law and practice of election, in the course of which the hon. gentleman recommended the repeal of the clause in the Durham Act, by which those who had inchoate right, namely, by birth or servitude, were exempted from the obligation of being one year invested with the right of voting before they were admissible to vote; he concluded with moving, that the Bill be read a second time this day six months.

Mr. Alderman *C. Smith,* on seconding the amendment, said a few words in opposition to the principle of the Bill.

Mr. *G. Rose* said, he was of opinion that the House ought to make the expences of out-voters legal or illegal by enactment; for notwithstanding the provisions of the statutes of William and George 2, the committees of the House very often differed on the subject. The uncertainty of the law constituted the great evil. He thought, however, that it would be a matter of great difficulty to legalize the compensation to be allowed to out-voters for their loss of time; one man might gain only three shillings per day, while another might obtain twenty times that sum. The hon. and learned gentleman (Mr. Lockhart) seemed to consider non-resident voters as more independent than those who were resident; such, however, was not his opinion—non-resident electors were usually collected and treated expensively previously to a general election; they were then carried to their borough by some candidate; and when they arrived there, they generally sold their votes to the best bidder. (A laugh.) He felt obliged to the hon. gentleman for the Bill, and should vote against the amendment. With regard to what had been said of giving money by the candidate or his friend, he would wish to draw the line as tight against the latter as the former.

Sir *John Newport* was convinced of the utility of the Bill; and thought that, so far from infringing on the franchises of particular electors, it would give a very proper security to the rights and franchises of the real *bonâ fide* electors. Every gentleman must be aware, that for many months previous to a general election, there were advertisements in the newspapers inviting non-resident voters to assemble at different public-houses, where they were entertained, and often kept in a state of constant intoxication. This was a practice that no one could say was necessary to secure the freedom of election. He considered, that the resident electors were always the persons most competent to judge of the interests of the place in which they resided, and the most likely to form a proper choice of the representatives. An hon. gentleman had suggested many improvements, which might properly form the basis of another Bill; but he had often observed, that it was the practice of those who opposed themselves to reformations, to suggest other things which appeared to them more beneficial, but which, if specifically brought forward, they would find some other reasons for opposing. If any general measure was proposed, they opposed it on account of its generality; but if a specific measure was proposed, then the objection was, that it was incomplete from not being sufficiently general.

Mr. *Marryatt* could not reconcile his mind to such an innovation as this, which went practically to disfranchise such a considerable body of electors. It was notorious, that a considerable number of the non-resident voters were not able to pay their own expences of going to or returning from the place of election. If those expences were not, therefore, allowed them, they would be virtually deprived of the benefit of their franchises. In the borough that he represented (Sandwich) the number of voters was about 1,000, and more than half that number were non-residents. The number of non-resident voters was perpetually increasing; as it was not possible to find employment in the town for the numbers who were entitled by birth, or otherwise, to their freedom. They naturally went to other places to seek for employment; but he never could admit the principle laid down, that non-residents were less able to judge of the proper candidates to vote for, than the resident electors. He conceived that the mind was enlarged instead of narrowed, by mixing more generally with the world, and not being confined to a single town. The leading questions of politics, as to men and measures, might be fully as well understood by the non-resident voters. In this opinion he spoke disinterestedly; for he never had occasion to put himself to the expence of bringing in any voters that did not live in the immediate district of the Cinque Ports. Committees of the House of Commons had, however, always drawn the line between indemnity and bribery. The courts of justice admitted the same distinction in the case of witnesses, who were entitled to their reasonable travelling expences, before they could be called upon to give their testimony. He was surprised that this Bill did not extend to county elections also; as it was notorious that more money had been spent in bringing down out-voters to the election for the county of York, than for all the boroughs and towns in the kingdom. He objected to the Bill as supplying a remedy where the evil was light, and omitting to furnish one where it was heavy. It was said, laws were like cobwebs—they held small flies, but the large ones broke through them and escaped. This might with justice be said of the present Bill, if it passed. He thought it would be desirable to take the votes of electors at their places of residence; and if such a Bill were brought forward it should have his hearty support. The Bill before them he should vote against, for he considered it as an attack on the rights and liberties of the subject.

Mr. *C. W. Wynn* was surprised that that should be considered as an invasion of the rights of the subject, which only went to give force and vigour to the existing law. This he thought would be its effect, and therefore it had his support. He was of opinion that the voters ought not to have their expences paid. They had been compared to witnesses on a trial; but the comparison would not hold, and he was surprised that it had been made. A witness came forward for the interest of one of the parties. Constitutionally, an elector could not come forward for the interest of a candidate. If those who held the elective franchise did not think it worth their while to exercise it at their own expence, he thought they ought not to come forward at all. He objected to fixing a sum for a voter's remuneration. It was impossible to say what would be a proper compensation for the time alleged to be lost. The door once opened, it would lead to drunkenness, and every species of disorder; and many of the electors would only think of selling their votes to those who would pay best. The duration of polls was a matter which called loudly for the interference of the House, because in many cases it was a serious grievance. There were instances within the recollection of the House in which polls had been protracted for fifteen days. As a proof that the prevention of such an abuse was easy, he stated an instance in an election for the county of Essex, when 5,000 voters were polled in one day. To return to the Bill before the House; he had heard no valid argument urged against it. He should even be glad if a Bill were introduced, by which it should be enacted, that no freeman, who for the future might obtain the election franchise, should have any right to exercise it until he had resided for a certain time on the property from which he obtained the right. He trusted that the Bill would be committed; as in the committee the House would have an opportunity of examining minutely its provisions.

Mr. *Douglas* wished to say a few words in consequence of an imputation (he could call it by no other name) which had been thrown out against him by an hon. gentleman, with some injustice. What he had stated was, that though the measure would not diminish the representative body, yet it certainly would to a degree alter their character. However anxious he was not to interfere with the real right of electors, it would not be denied that whatever right they might have to exercise their elective duties, they had no right to be paid for the expences they might incur for the purpose of this exercise. It was not his wish to palm upon the House any theory of his own which might militate against laws that had been sanctioned by the wisdom of successive generations. On the whole, so much had been said in defence of the Bill, that he did not find it necessary to trouble the House any further.

Mr. *Lushington*, without meaning to impute any ambiguity to the laws relating to elections, thought it would be admitted, that the decisions of election committees had frequently been extremely complex. In his opinion, it would be practically more beneficial to restrain the payment of election expences, than all at once to endeavour to put an end to them: and on this principle the Bill would have been better entitled "An Act to regulate election expences," than an Act 'to prevent,' as the title now stood. He merely suggested this to the hon. proposer of the Bill; and he hoped it would be considered by him.

The Bill was then read a second time, and ordered to be committed on Monday next.

CLERGY RESIDENCE BILL.] The House then resolved itself into a committee on this Bill, and Mr. Wright's petition was referred to the said committee.

Mr. Serjeant *Copley* was heard at considerable length against the Bill. The learned serjeant contended, that if it were determined to pass this Bill into a law, Mr. Wright conceived himself entitled to have a clause introduced into the Bill, which should fully and completely save him harmless from all costs that he might have incurred in consequence of the actions he had commenced. He was instructed to say, that Mr. Wright had been grossly calumniated and misrepresented with respect to the proceedings which had taken place on the present question. It had been said, that Mr. Wright had taken advantage of the situation he held, as secretary to several bishops in various dioceses, and at different periods of time; but this was not so; for Mr. Wright averred, and could prove, that a great majority of the actions he had brought were in other dioceses than those in which he held such situations: that in all those situations he had held under the bishops, he had from time to time issued printed notices to the clergymen within each diocese in which he held the situation of secretary to the bishop, apprising them of the predicament in which they stood, and warning them of the penalties to which they were liable for non-residence; that, independent of the expences he must have been personally put to, in taking the steps he had done, so far as the matters in question lay within his own knowledge, he had necessarily been at very great expences also in collecting evidence from various other quarters; and as he had done all this under the positive sanction and encouragement of an act of parliament, he thought, if parliament now interfered to defeat their own former enactments on this subject, and to prevent him from recovering those penalties which they had held out to all who should turn informers on that head, that in every view of the matter, in point of law, of reason, and of justice, he was entitled to an indemnity to the fullest extent against all costs by him incurred, not merely as between attorney and client, but to the very utmost amount that he could shew he was legally liable to pay, in consequence of his having brought actions, and prosecuted them to the length he had done, under the high sanction, authority, and encouragement by which he had been induced to interfere in the business.

Counsel having been ordered to withdraw,

Mr. *Brand* said, that from the high respect he entertained for the character, feelings, and interests, of the great body of the clergy, whom this Bill was intended to protect, as well as from its general tendency, he was extremely favourable to it. He had, however, some objection to the mode in which the remedy was intended to be applied; and should therefore offer an amendment, which he trusted would meet the views of the right hon. gentleman (Mr. Bathurst) who introduced the Bill, and who, he was certain, was anxious that justice should be done to all parties. Independently of his objection to the Bill, as an *ex post facto* law, he thought it did not offer sufficient security to Mr. Wright. It should indemnify him for all expences incurred by him, and against any expences to which, in consequence of those actions, he should be exposed at a future time. He thought it would be more advisable that the Bill should define the grounds upon which licences for non-residence should be given; instead of leaving it, as now, at the discretion of the bishops, who, he thought, had not sufficiently attended to the duty of enforcing residence, or ascertaining who did reside, or under what circumstances the order to reside had not been complied with. By having the grounds of non-residence precisely defined, and not depending upon the favour or caprice of a bishop, the clergy would be placed in a much better situation than that in which they now stood. The clergyman might state the grounds of his license to Mr. Wright, and Mr. W. would then discontinue or proceed with his action at his own risk. This would be an amelioration of the situation of the clergy.

If the grounds of non-residence were good and legal, the jury would find for the defendant, and the person who brought the action would subject himself to the costs of the trial. He (Mr. Brand) had taken the opinion of many competent persons on this highly important subject; and many even of the clergy with whom he conversed had approved of the view which he had just given to the committee. He begged to move, therefore, as an amendment,

"That it should be lawful for any person, against whom actions for penalties might have been brought, to adduce proofs as to whether they had been entitled to licences for non-residence or not; and if they were enabled so to do, that such proof should be considered as an adequate excuse for their conduct."

The question having been put,

Mr. *Bathurst* declared his readiness to adopt, on any subject, a suggestion from the hon. gentleman, for whose opinion he entertained the highest deference. He was willing to admit, that if the object of Mr. Wright had been what he stated by his counsel, and in his printed case, namely, to enforce residence from a regard to law and justice, he would in that case be entitled to more indulgence than it was intended to give him in the Bill before the committee. But it was clear from the whole view of the proceeding of Mr. Wright, in instituting those actions, that such was by no means his intention. He (Mr. B.) had frequently stated, that all those actions were brought for inadvertence; yet this assertion had never been contradicted by Mr. Wright, through his counsel, or in any other manner. It was true, that a note, in the form of a printed paper, had been circulated by Mr. Wright respecting the renewal of licences for non-residence; but those notices were sent about by him as secretary to several bishops. These circulars had been published by him for many years, but nothing was done upon them. No proceeding whatever was taken upon these circulars. It was said, that he (Mr. B.) had defended the clergy on the plea of ignorance of the law; but he had not. His defence was, that the actions were not brought to enforce the law, and that the offences against it were mere slips, mere offences of form, and also because, even supposing Mr. Wright to succeed in his actions, still the ground of renewing licences for non-residence would be the same. The Bill before the committee also left those grounds untouched; so that it did not prevent Mr. Wright from bringing his action, if he thought proper, at any future time. Of the character of Mr. Wright the committee ought perhaps to know something. He (Mr. B.) knew nothing more of him, than that he had been dismissed by three bishops, to whom he had been secretary, for complaints preferred against him. It was stated, in commendation of Mr. Wright, that he had abstained from bringing these actions during the lives of the right rev. prelates alluded to. But if his motives for bringing the actions were good, as he affirmed, why should he delay them? Mr. Wright had even an opportunity of preventing those offences. As secretary, he was consulted by bishops; and he might have advised the course of issuing a monition in pursuance of the Bill of a learned friend of his (sir W. Scott), instead of this proceeding by information. Mr. Wright, therefore, had no merit whatever in what he had done; but his object was, to take advantage of mere inadvertencies in point of form. In the dioceses of London, Ely, and Norwich, he had brought 168 actions, 83 of which originated in the absence of notification. The fact was, that Mr. Wright made it the object of his enquiry, where the proofs of his case were most easy; not what was, or was not, a case of inadvertency; and the contrary was not even asserted by his counsel. Of the remaining 85, all but two were cases of non-residence from want of accommodation, residing in the next parish, doing duty as curate in some other place, or being the master of an endowed school, or some such institution. Mr. Wright, it was said, had been more hardly treated than on a former occasion, when actions were brought under the 43d of the King; but, in point of fact, the precedent referred to was a much stronger case than the present. In the former case, judgment had been given for 100*l.* and yet the penalty was reduced by parliament to 10*l.* The object of the legislature was, to prevent interested and vexatious actions. He could state to the House an instance of a respectable clergyman, who was obliged to leave his living in order to attend his wife for the recovery of her health, and who was informed that his licence should be sent after him; yet he was one of the persons against whom these actions had been brought. With respect to the suggestion of depriving the bishops of the powers vested in them by the 43d of the King, that power was given for good reasons by the legislature, and a case should be made out before it was changed. The bishops had the power of administering an oath, if necessary, by the 43d year of the King; and he (Mr. B.) had no objection that such a clause should be introduced into the Bill before the committee. The right hon. gentleman concluded by giving his negative to the clause proposed by the hon. member.

Mr. *Brand* spoke in defence of the clause which he wished to be introduced. The question he conceived to be, not so much respecting residence or non-residence, as that of the remission of the fines.

Mr. Bathurst explained.

Mr. *Whitbread* acknowledged, that he had been one of those who had presented petitions in favour of the clergymen supposed to be aggrieved; and these petitions he had presented, he confessed, under a strong prejudice against Mr. Wright, conceiving with others that he had taken an undue advantage of his situation to come at the information. In his further enquiries however on the subject, and from a more perfect knowledge of all the circumstances, though he was of opinion that the Bill ought to pass, and that the clergy ought to be relieved from the heavy penalties now suspended over their heads, his opinion was, notwithstanding, more favourable with respect to the conduct of Mr. Wright, and the part he had taken in following up the enactments of the Bill of 1803. The right hon. gentleman was certainly mistaken in deprecating any indulgence on the part of the House towards Mr. Wright, or in supposing that Mr. Wright required their indulgence. The case was quite the reverse. It was themselves who ought to ask indulgence from Mr. Wright; they, who in their Bill had so far committed themselves, and by enacting penalties had invited informers; that Bill which had had the high sanction of the right hon. and learned gentleman (sir W. Scott) in this House, and which in the House of Lords had not only met with general support, but had been adopted by the learned bench of bishops, and sanctioned by the approbation of the noble and learned lord who presided in that House. It was they that required indulgence, who had made this Act, and fortified it by penalties, from which they now wished to shrink. Mr. Wright took up the Act as it stood, with all its provisions; and in coming forward to demand the penalties to which the Act most certainly entitled him, he wanted no indulgence. He had now a vested right in these penalties; and on his coming forward in a legal way to recover them, was it for parliament to put its hands upon them, and by another Act prevent his getting possession of what the existing law assigned him? Mr. Wright had taken for granted, that when they legislated, they had well considered the measure, and were ready to abide by the consequences. It was not he that enacted the penalties, but themselves; and it was not for him to foresee that they had taken a wrong course. Mr. Wright, therefore, following up the spirit of the Act, and acting conformably to law, wanted no indulgence. Mr. Wright had only acted as any other informer was called upon to do. They had no right to enquire into his motives; they themselves had created the penalties to which, by the Act, he was entitled. For himself, he had no knowledge of Mr. Wright, further than this business had led to. He had seen those statements, with others, in which Mr. Wright complained of a party having been formed against him, with which the right hon. and learned gentleman and the higher clergy were connected. Those sums which he claimed were certainly due by the Act. It was open for any man as an informer to claim them. When they made the Act, did they expect that an informer should have the good of the church only at heart? In this case, there would have been no occasion for penalties to enforce the Act. The truth was, in his opinion, that the bishops had not done their duty, or these things would not have taken place. It had been said by the right hon. gentleman, that Mr. Wright might have admonished the bishops instead of taking the course he had pursued; but was this the provision of the Act? or, in framing it, was it contemplated that the bishops were to be directed by their secretaries in the performance of their duties. The present Bill, he contended, would place the clergy in a very different state from that in which they were by the Act; and it was impossible that the bishops could decide with the same freedom after the penalties had been incurred, as they would have done on a previous application. Should the bishop refuse to acquiesce, he might be told by the clergyman, with these penalties hanging over his head, that he was then a ruined man. This was putting the bishops in a situation in which they ought not to be placed. It was also giving them too great a latitude. They might have it in their power to ruin a man from spleen, resentment, or any other motive, however good a right he might have to their favourable decision as prescribed in the Bill. This was a power that the bishops ought not to have; and in his opinion, the amendment proposed by his hon. friend, who had since left the House, would remove the objection. He referred, as precedents, to the cases of the printers and attornies, in which he believed no actions, as in this case, had been commenced. The right hon. gentleman could not, therefore, make them parallel; there being no such persons in the way in those cases as Mr. Wright, who would suffer by the measure. Whatever might be the motive of Mr. Wright's information, he was exactly that man whom the Act looked for, and to whom it held out the penalties as an inducement to assist in enforcing the law. Not being generally hostile to the Bill, however, and thinking that some relief was necessary, he was disposed to vote for the amendment proposed by his hon. friend.

Mr. *Bathurst* said, he did not recollect having used the word 'indulgence' to which the hon. gentleman had so pointedly referred. He could not have meant it, at any rate, in the way referred to. What he meant was, that informations should be stopped when carried to abuse; and that Mr. Wright deserved less consideration, on the ground that he was not an ordinary informer, but from his particular circumstances had taken advantage of the Act to make it the source of an excessive and systematic profit.

Mr. *Gooch*, referring to many of the clergy of Norfolk who would very undeservedly be subjected to the greatest grievances, supported the Bill, and wished to see it passed into a law.

The Amendment was then put and negatived without a division, and the original clause carried.

Mr. *Bathurst*, in the progress of reading, proposed various verbal amendments.

Mr. *Whitbread*, on the clause respecting the bishops acting on their responsibility, thought that word might as well be omitted, because the truth was, they would be responsible to no tribunal whatever. The only purpose the register could serve was, to give publicity; which could not, however, affect the judgment of the bishop.

Mr. *Bathurst* said, they would be required to do more than before. In granting the licence, they would be required to make the necessary enquiries, and the licence must be registered.

Mr. *Whitbread*—That is, Mr. Wright may examine the register, and then inform his next neighbour of it. There was no tribunal to which he could appeal. His hon. friend (Mr. Brand) on going away had left with him a clause, which he would propose to the committee, providing, that the licence should be rendered void if not granted on sufficient grounds. This he thought would be a proper check on the bishops, and was proceeding to read it; when the chairman observed, that no new clause could be brought up till the regular clauses were gone through.

Mr. *Bathurst* said, the hon. gentleman's object would be equally attained by the clause as it now stood; which would also prevent the incurring of expence.

Mr. *R. Smith*, after some remarks on the enormous expence that would be incurred, suggested as an amendment, that the application for the licence should be made within fourteen days after the notification; so that Mr. Wright might be able to proceed, in those cases where no licence should be obtained.

Mr. *Bathurst* thought that object equally secured by the Bill as it stood; the clause providing that all applications should be made before the 1st of July.

Mr. Bathurst brought up several new clauses on the second reading; which were agreed to.

Mr. *Whitbread* observed, that he had been disappointed in not having heard, in the course of the evening, the opinion of the right hon. and learned gentleman opposite (sir W. Scott) on the measure. No man, to be sure, had a right to call for the opinion of another on any subject; but as the right hon. and learned gentleman had taken great interest in the Bill of 1803, of which this was intended as a remedy, the sanction of his high authority would naturally be looked to with some degree of deference by the public.

Sir *W. Scott* said, that he should this session bring forward a measure that would more effectually meet the object in view.

The Speaker having resumed the chair,

the Report was ordered to be brought up on Friday next.

The Clergy Residence Bill was reported, and ordered to be printed.

HOUSE OF LORDS.

Wednesday, April 27.

Suspension of Hostilities.] Lord *Liverpool* announced to their lordships, that a Convention for the Suspension of Hostilities between France and the Allied Powers had been signed by lord Castlereagh, on the 23d instant, on the part of Great Britain; and that a copy would be laid before their lordships as soon as possible.

HOUSE OF COMMONS.

Wednesday, April 27.

Suspension of Hostilities.] The *Chancellor of the Exchequer* had great satisfaction in informing the House, that he had been instructed by his royal highness the Prince Regent, to communicate to it, that a Convention for the Suspension of Hostilities, by sea and land, between this country and France, had been agreed to by the French government and that of his Britannic Majesty; and that his Royal Highness would cause a copy of the Convention to be laid before the House.

Sugar Drawback Bill.] On the motion of the Chancellor of the Exchequer, the House resolved itself into a committee on Sugar Drawbacks; with orders that the duties on sugar, coffee, and other articles exported from Martinique, Guadaloupe, Marigalante, and other West India islands, should be considered by the committee.

The *Chancellor of the Exchequer* observed, that since the House had taken this subject into consideration, circumstances had occurred, which rendered it necessary that the matter should again be brought under consideration of parliament. By a treaty concluded with Denmark, the valuable island of St. Croix was to be restored to that kingdom. On the whole it appeared, that it would be inconvenient to continue the duties for some time to come, as they were at present settled. The export duty was such, that little benefit was derived from the drawback. He would therefore propose, that if no circumstances should happen to render any alteration necessary, drawbacks on exportation should cease after the 23d of May. And as a means of preventing the bad effect of any sudden shock being sustained in the market, he would propose that the present duties should continue for a limited time, until a permanent system could be arranged and adopted. In the arrangement which he was now about to propose, there was only one class who, from all that he could learn, were likely to be sufferers by it; and that was those export merchants who had purchased large quantities of refined sugars, under the conception that the export duty would be continued as it stood. For the protection of this class of merchants, he would propose that the new measure should not take effect on refined sugars until the 25th of August. With respect to raw sugar, a similar proviso was unnecessary, as it could not be bonded for exportation. The right hon. gentleman expressed his willingness at that, or any future time, to give any explanation on the subject which might be required, and concluded with a motion for substituting a new schedule for that annexed to the Act of the 45th of the King.

Mr. *Whitbread,* from the mention of St. Croix, and the allusion to the probable surrender of other colonies, took occasion to ask, whether the surrender of Guadaloupe was confirmed by the convention which had been that day announced to the House; and also to express a hope, that, after the gratifying intelligence which we had received of the magnanimous achievements, and the still more magnanimous equity, of the allies, it was not intended to compel Norway to submit to the government of Sweden; at least that this country would take no part in the use of force for such an unjust purpose; but above all, that we should not join in the abominable system of starving Norway into submission?

The *Chancellor of the Exchequer* replied, that no mention whatever was made of Guadaloupe in the convention referred to by the hon. gentleman.

Mr. Alderman *Atkins* objected to the undue preference which the proposition before the committee would give to those whose sugars were bonded.

Mr. *Rose* observed, that the preference alluded to was granted by the existing law.

Mr. *Whitbread* thought proper to put another question or two; namely, whether it was intended to cede Guadaloupe to Sweden; and also, whether it was resolved to force the Norwegians to submit to the Swedish government; but still more, he begged to repeat the question, whether our cruizers had been ordered to intercept the supply of provisions to Norway? To this latter question, which the right hon. gentleman had on a previous question declined to answer, he should expect that the right hon. gentleman would either give no answer, or some answer that should be distinct and intelligible.

The *Chancellor of the Exchequer* said, that he had already given all the answer in his power with respect to Guadaloupe; and that the case of Norway was to be considered in the general arrangement.

Mr. *Whitbread* expressed his happiness to hear that the fate of Norway was still open to discussion; but yet the right hon. gentleman had given no answer with respect to the alleged order to intercept the supply of provisions to Norway.

Mr. *W. Smith* professed himself peculiarly glad to learn that the case of Norway was still open to discussion; and he hoped that the Norwegians would not be excluded from the exercise of that right which legitimately belonged to all nations; namely, the choice of their own government. Indeed, after the French had been allowed to assert that right, which, as a friend to general justice, he trusted they would be always able to maintain, should the Norwegians be compelled to submit to Sweden, the whole affair would be reduced to a question of strength; and it would appear that the French were allowed to exercise a right because they were strong, from which right the Norwegians were excluded because they were weak. But he hoped and trusted, that should the Norwegians be so unjustly treated—should the allies be capable of acting so inconsistently, the British parliament, and that House in particular, would never consent to sanction the deed.

The *Chancellor of the Exchequer* conceived, that as long as the case of Norway remained, as he had stated, open for discussion, a desirable arrangement was not likely to be promoted by any discussion in that House.

Mr. *C. W. Wynn* admitted that it would be proper on the part of the right hon. gentleman to decline answering any question relative to points which were the subject of a pending diplomatic discussion. But a question had been put with regard to a matter of fact; namely, whether an order had been issued to prevent the Norwegians from being supplied with provisions; to which question the right hon. gentleman had returned no answer; and he (Mr. W.) was not surprised to find that a strong feeling had been excited by this alleged order. On the contrary, he should have been extremely surprised if such a feeling had not been manifested, and if the fate of Norway had not excited a lively interest in this country; for there was a striking analogy between the case of Spain and that of Norway. In both cases, the sovereign surrendered the government to a foreign state; and in both cases the people resisted; thus asserting their own legitimate rights, and demonstrating that the people were not to be scheduled away by the mere acts of the sovereign.

The Chancellor of the Exchequer's proposition was agreed to; the House resumed, and the Report was ordered to be received to-morrow.

POOR LAWS.] Sir *E. Brydges* rose, pursuant to notice, to call the attention of the House to a subject which had often engaged the attention of the legislature—the Poor Laws. To defend himself from any imputation of presumption, he thought it necessary to premise, that he did not mean to propose any thing contrary to the spirit of existing laws on the subject. There was no principle more generally approved by the legislature, and by all the writers on political œconomy, than that the poor should in as much as possible have the power of choosing their residence. It was the opinion of sir W. Blackstone, of lord Kaimes, of Adam Smith, of sir W. Young. What he meant to propose on this point had already received the sanction of the House, but was involved in a very large Bill. His first disposition was, that a settlement should be obtained in a parish by a certain number of years residence in it; either ten, seven, or five years. The next provision was, that paupers who had been thrice relieved, should not be prevented from having further relief. The third proposal of the hon. baronet was, that magistrates should have the power of affording medical aid to the poor, whether they belonged to the parish or not. Another proposal was, that servants (unmarried), who had been two years in a parish, were entitled to a settlement. The hon. member also proposed a number of minor measures conducive to the comfort of the poor, and concluded by moving for leave to bring in a Bill for the better relief and settlement of the poor.

Mr. *Lockhart* thought that the compulsory removal of paupers should in no case be allowed; but that should the pauper consent, he might remain wherever he became necessitated to receive parochial relief; and that such relief and aid should be administered by the parish in which the pauper might reside, to be subsequently defrayed by the parish to which he belonged.

Mr. Preston and Mr. Whitbread spoke generally in approbation of the motion, and complimented the hon. member on the pains and labour which he had bestowed on the subject.

The motion was agreed to; and sir E. Brydges brought up the Bill, which was read a first time, and ordered to be read a second time on this day fortnight, and to be printed.

APPRENTICE LAWS.] Mr. Serj. *Onslow* rose to move for leave to bring in a Bill to repeal part of an Act, passed in the 5th year of queen Elizabeth, entitled "An Act containing divers orders for artificers, labourers, servants of husbandry, and apprentices." That Act had experienced a singular fate; from a very early period after it was passed, down to the present time, the policy of it had been condemned, both by those who were to enforce it, and by every enlightened writer who had treated of the subject. The moral feelings of mankind had been so opposed to it, that it was with extreme reluctance that juries ever found verdicts in favour of the prosecutors: and it had been frittered away by the decisions of the courts. It had been early determined, that a person who had served an apprenticeship of seven years to any trade, might legally work in every other; but that determination was too violent an infringement of the plain words of the statute to be sustained, and had been abandoned. The decisions, however, which now remained, were very extraordinary; it had been determined, that a gardener was not within the statute, because it was not an occupation requiring skill, but a fruiterer was; even a pippinmonger had been held to be within the statute; the same determination had taken place as to a cook (he presumed it was determined in the city of London.) He did not mean to go through the many inconsistent decisions on the subject: he must lament that they had taken place, not only because he thought the judges had, in many instances, transgressed the bounds of their province; but because the manner in which the Act had been frittered away, had been the means of its continuance on the statute book. It had been looked on as a poisonous insect destroyed; it was not so; the reptile, though crushed, was not dead, it had still power to sting. The reign of queen Elizabeth, though glorious, was not one in which sound principles of commerce were known; and a perusal of the other clauses of the Act, as well as the one creating the penalties for exercising trades contrary to its provisions, would fully confirm that assertion; indeed, it did not seem to be the object of that statute to favour manufactures; it rather seemed to be intended to make them subservient to a most mistaken notion of favour to the landed interest. So little was political economy then understood, that the idea never seemed to have occurred, that agriculture was best promoted by the prosperity of commerce and manufactures; and that restraints upon them defeated the end they aimed at, and discouraged that very employment which they ought to promote. By many clauses of that statute, a qualification in land is made a requisite to the power of becoming an apprentice; the statute also aims at an equalization of wages, an attempt too absurd to make it necessary for him further to notice, and which he only now mentioned, to shew how ignorant of the subject the framers of that Act were. Apprenticeships had been looked upon as favourable to the morals of youth, and he was very far from wishing to discourage them; but he did not wish them to be an indispensable qualification for legally carrying on trades. He agreed entirely on that point with the very able report on the state of the woollen manufacture; so far from wishing to discourage them, he had prepared a clause to carry them into effect; for as the law now stood, very few indentures were made according to the statute. Apprenticeships were not a sacrifice, to be remunerated by statutable restrictions on others; but when properly conducted, were best secured by mutual interest. Apprenticeships were as common in trades not within the statute, as in those that were within what had been called the protection, but what he thought the curse, of the statute. It appeared, even by the evidence given in the committee last year on the petition of those who wished to enforce the statute, how common apprenticeships are in trades where they are not enforced by penalties, or encouraged by monopoly; and he was credibly informed, that in some trades that were notoriously within the scope of the Act they are hardly known. If he had thought that the morals of the country could be endangered by the repeal, he would not have proposed it; he never could put any increase of national wealth in competition with national morals; but there never was a period when there was so little to dread on that subject,—never was there a time when so much pains were taken to diffuse religious instruction, and to promote education among the lower orders of society; although he perceived with grief, in some instances, dissensions among those who, agreeing on the object, differed as to the means: he trusted, however, that animosity would soon be exchanged for emulation. He complained of the extraordinary pains that had been taken to misrepresent his object; he said, that his views were directed to the benefit of those whom it had been attempted to mislead; that by far the greater part of the working manufacturers had not served a legal apprenticeship to the trades they exercised; it was their protection he aimed at: indeed, he had not found one person who thought well of the statute as it stood; he had seen many who entertained different views of the subject from himself; for, however personally, and professionally, he had found it inconvenient, he had seen every deputation that wished to lay their sentiments before him. Last year a petition had been brought up, praying that the Act might be extended and enforced; he understood the petitioners wished it to be extended to all trades, and the penalty augmented to *50l.* per month, and that costs of suit should be given to the informer. On that petition a committee had been appointed; and though, through some strange apathy, it had been almost unresisted, he did not think that the petitioners had made out a case. It was remarkable, that all the witnesses, whatever was their occupation, thought seven years was hardly sufficient to acquire a due knowledge of their trade; even the pipe-makers stated seven years to be barely sufficient; what, then, had the petitioners to dread? they did not want the aid of the statute to prevent others from interfering with them. They had brought forward some charges of fraud against persons who had not served an apprenticeship; but fraud does not arise from inexpertness. Prosecutions had been formerly rare, and only arising from personal malignity to the master, or jealousy of the man employed; for never was an unskilful workman the object of attack; of late, they had assumed a more serious and systematic shape: in one county (the county of Northumberland) they had gone through most trades; they had found out that a cook was a trade requiring skill; and had they not been stopped by the notice he had given, they were preparing to attack the chimney-sweepers, he supposed with a view to enforce morals, by subjecting boys to hard labour at nine years of age, and turning them loose again at the most dangerous period of youth. As the Act now stands, it is ridiculous; it ought either to be made effectual, or repealed; and who, he asked, would be hardy enough to propose to enforce it? He said, skill was not given by the parchment indenture, but by industry proportioned to the nature of the employment and the capacity of the learner; therefore not only the time requisite to acquire it was different in different trades, but in different individuals. Again, the law only applies to trades in existence at the time of passing the statute, and is therefore unequal; and it is worthy of observation, that those trades which have flourished most, had arisen since the statute: it is also unequal, as affecting the natives of Ireland and Scotland, in neither of which countries such a law prevails; and yet, if at an adult age they came here as workmen, they are affected by the statute. And here he observed, that the natives of Scotland had never been accused of want of industry, or of skill, nor of moral habits. He said, the subject was so extensive, that he was afraid he should fatigue the patience of the House were he to go into a tenth part of the topics that presented themselves to his mind; he should therefore confine himself merely to a few more observations. The penal part of the statute had been repealed as to many descriptions of persons; soldiers, sailors, and militia men; persons who convicted two offenders of coining had been exempted from the operation of the statute; an exemption odd enough, if skill in the execution of trade was what the legislature aimed at securing: even the hawkers and pedlars have been equally favoured; they may carry on any manufacture, even with unapprenticed hands:

it had been also repealed as to divers trades; the hatters, the wool-combers, the dyers, and very lately as to our great staple the woollen manufacture, and they may also carry on any other manufacture, and that after a long and most laborious enquiry. Another point that pressed more strongly on his mind was, the case of the female sex, numbers of whom were now employed in trades to which they certainly never served an apprenticeship, and these were affected by the statute. Men also who had been brought up to one trade were frequently, from want of health or some other powerful cause, unfit to follow it; and yet it was penal to transfer their industry to another to which they were competent. Trade too is of a most fluctuating nature; many branches of it, from various causes, decay, and others flourish; and yet the operation of the statute checks the transfer of the industry of the workmen. The buckle manufactory is a striking instance; when that failed, had the statute been enforced, many thousands must have starved, or subsisted on parochial relief. He begged leave to draw the attention of the House to some information that he had received from an enlightened gentleman, the chairman of the Chamber of Commerce at Birmingham: what he stated as to the fluctuation of trades there, was most material; indeed, he stated, that the fluctuation was almost daily; the white metal button trade had failed; the manufacture was totally distinct from that of the gilt buttons; the white metal buttons were cast, the other pressed out of rolled metal. Another important branch of manufacture which formerly belonged to that town, but had almost disappeared, was that of polished steel goods, such as buckles, watch-chains, &c.; thousands who had engaged in that manufacture had turned their industry to filing gun-locks, a trade now about to be most amazingly diminished; the same observation applied to many other trades, the gilt toy, the tin and Bath metal, &c. Numbers, indeed, had been employed in the manufacture of a particular sort of musket; in prospect of peace, orders had been countermanded, and half the manufacturers had been discharged. In consequence of the glorious news just communicated by the Chancellor of the Exchequer, the whole employment must cease; what, then, is to become of the manufacturers? Are they to be allowed to transfer their industry, or are they to be thrown on their parishes for support? He observed, that his Bill did not seek to repeal or alter any other statute than that of the 5th Elizabeth; nor did it affect or alter the bye-laws or privileges of any corporation or company lawfully constituted; indeed, out of abundant caution he had inserted a clause to that effect. The learned serjeant said he had not taken up this case lightly; he had thought much upon the subject; nor had he proceeded merely on the opinion of theoretical men, though political economy had ever been with him a favourite study; he had been favoured with the valuable opinions of many enlightened practical men; and from all the information he had derived on the subject he was fully convinced it was one that loudly called for the interposition of the legislature.

Mr. *Lockhart* said, that, while he agreed in some of the propositions laid down by his hon. and learned friend, he felt considerable alarm at others which he had promulged. He certainly had shewn the inconsistency, and sometimes even the absurdity, which characterised the decisions, under the 5th of Elizabeth, in our courts of justice—and, above all, he had placed in a very striking light the danger of giving to the judges a sort of feeling, which induced them to act rather from their own ideas of policy, than from the provisions of the law. He (Mr. Lockhart) held the same opinion on these points as his learned friend; and, with him, he also thought, that the system of seeking redress by action brought through the medium of a common informer was very objectionable. But his hon. and learned friend had not applied himself to the main object of the existing law—he had not touched upon the general necessity of apprenticeships. He appeared to think, with most writers upon political œconomy, that regulations of this kind had better be left to the discretion of parents, and of the individuals themselves who wished to acquire any trade. If this course were followed, his learned friend was of opinion, that wages would be given, according to the contract entered into, or in proportion to the ability of the party. He had also said, that skill was not to be obtained by an adherence to indentures. But this was a proposition that ought to be received with extreme caution; and therefore he was of opinion, that a committee should be appointed to investigate that fact—to examine whether apprenticeships were not beneficial to the morals of the community, and useful to the commerce and manufactures of the country. It would be right for the House to consider, whether, if a matter of such serious import had been left merely to parents, many of them of the lowest class in society, the manufactures of this country would ever have arrived at the pitch of excellence which they had now attained. This consideration alone was sufficient to call on the legislature to pause, before they made an alteration in so important a law. He did not mean to prejudge the measure proposed by his hon. and learned friend; at the same time, he conceived it was but just, in deciding on the Act now in existence, to recur to the effects which it had already produced, and to be guided by those effects, in legislating for the future. His hon. and learned friend had stated, that his Bill would not affect either the privileges or the revenues of corporate bodies; because it contained a clause which guarded them from its operation.—This clause he had not stated. But it appeared to him, that, where the freedom of a corporation depended on an apprenticeship of seven years, and fees were paid on the attainment of such freedom, the lessening the number of apprenticeships for that specific period, as it would decrease the claim for the freedom of the corporation, must also decrease the revenue arising from the fees so paid. Another important question was, whether this alteration would not affect the representative system. Many persons in corporate towns derived the right to vote, in consequence of serving an apprenticeship of seven years. Now if these apprenticeships for seven years were, by the provisions of the Bill, rendered less frequent, the number of voters would be contracted, exactly in the ratio of its operation. He, therefore, recommended, that the whole subject should be investigated by a committee, who might state what period they considered necessary for the acquirement of one trade, and what for another. And, if it were thought proper to grant any pecuniary encouragement to the apprentice, in the latter part of his time (for he knew it was objected, that apprentices became idle, when they found themselves capable of earning a great deal of money, by which the master alone was benefited), a provision might be introduced, enabling magistrates, or others, to affix some rate of wages for those who were advanced in their apprenticeships. He was by no means averse to an alteration of the law; but he deprecated that sweeping principle which his hon. and learned friend called upon them to sanction.

Mr. *Rose* said, that, when a number of tradesmen brought petitions to him against any alteration of the existing law, he told them, that, as he had himself introduced a Bill to repeal the 5th of Elizabeth, as far as it regarded the woollen manufacturers, he of course felt a considerable bias in his mind. With that impression, he candidly informed them, that it would require a great deal of information before he could be induced to alter his opinion on the subject. He therefore advised them to be cautious in what they were about to do; as an attempt to bring into full effect the 5th of Elizabeth would probably end in disappointment. In thus acting, he was influenced by a desire not to raise expectations in their minds which perhaps never would be realized—a principle by which his conduct had always been guided. The petitioners, however, stated, that they could make out a very strong case; and all they requested was, that it might be patiently heard. In answer to this, he told them, that he had no objection to lay their petition before the House, and to take the chair of the committee to which it might be referred. The committee was appointed—it met from day to day, and, except when prevented by indisposition, he presided in it—and this he felt himself bound to admit, that the petitioners did bring forward a very strong case indeed. The learned gentleman had alluded to pipe-makers and basket-makers; it so happened, that he (Mr. Rose) did not hear that part of the evidence. But there were other trades, which the persons examined proved would be greatly deteriorated, if individuals who had not served regular apprenticeships to them were suffered to adopt them. The learned gentleman (Mr. Lockhart) had expressed himself in favour of a committee—but he did not conceive that such a proceeding would be at all useful; since the former committee was very rarely attended by more than two or three members, after they had formed a quorum. The learned gentleman (Serjeant Onslow) had, he thought, made a charge against the petitioners, which they did not deserve. He accused them of having brought actions, from malignant feelings—(No, no, from Mr. Serjeant Onslow.)—He (Mr. Rose) did not at all wonder, that those who had served apprenticeships to a trade, and who had paid premiums to acquire it, knowing that a law existed, which gave to them, and to them only, a right to work at that trade, should avail themselves of it. The learned gentleman had compared that law to a venomous reptile; but, if it were so, it was created by one of the wisest administrations this country ever saw. The judges certainly had moderated the effects of the law; and so far, he was ready to admit, had shewn themselves hostile to it. He thought, before any farther discussion took place, they should permit the Bill to be brought in. They would then become acquainted with its provisions, and could act as the necessity of the case demanded. If, as he originally understood the intention of the learned gentleman, he meant to move for the complete repeal of the 5th of Elizabeth, he thought the measure would be very dangerous in many points of view. It would, for instance, in a variety of cases, do away with the right of voting. That privilege, he believed, in the city of London, was chiefly exercised by those who had served apprenticeships for seven years. But, if he merely intended to remove the penalties to which persons were at present liable, for employing workmen who had not served a regular apprenticeship, the Bill would probably meet with the concurrence of the House. In conclusion, the right hon. gentleman begged leave to state, that those persons who had waited on him, for the purpose of having petitions (from, he believed 40,000 tradesmen) presented to the House, had demeaned themselves in the most proper and becoming manner. They had indulged in no intemperance of complaint, but uniformly expressed their perfect resignation to the award of the legislature, whatever it might be.

Mr. Serjeant *Onslow* explained. When he spoke of malignant motives, he had no idea of alluding to the petitioners. With respect to the scope of the intended Bill if the right hon. gentleman had examined the order-book, he would have found, that this notice referred to the repeal of only one clause in the existing Act.

Mr. *Phillips* thought the conduct of the right hon. gentleman (Mr. Rose) very extraordinary. He stated, that he had himself formerly moved the repeal of this very Act, with reference to certain manufactures; and yet he had just spoken of it in terms of high panegyric, as one for which he had the highest respect. Glorious as the reign of queen Elizabeth undoubtedly was, they ought not to refer to that period as affording wise commercial regulations. The true principles of commerce appeared, at that time, to be misunderstood; and the Act in question proved the truth of this assertion. The persons most competent to form regulations with respect to trade were the master manufacturers, whose interest it was to have goods of the best fabric; and no legislative enactment could ever effect so much in producing that result, as the merely leaving things to their own course and operation. The proof of this was to be found in the fact, that the manufactures for which this country was most famous, were precisely those to which this Act did not apply. If this narrow principle had been carried into every branch of art, the machinery of sir Richard Arkwright would have been lost to the country—and the genius of Mr. Watt, whose inventions had added more to the productive powers of the empire, than if the population had been increased one half, would have been still unknown. By this Act, which was said to be so beneficial, a man, who had served his apprenticeship to a trade he detested, was prevented from exercising another for which he might feel an inclination. And, where a manufacturer ceased to employ the usual number of hands, and another had not a sufficient quantity, the superabundance of the one, was prevented from being employed to make up the deficiency in the other. This principle went, in fact, to place the trading classes in this country on a level with the Indian castes.—The hon. gentleman then proceeded to point out the evil effects which arose from the system of combination among tradesmen; a system that had extended widely through the country, and had produced great violence and insubordination. That system was supported by contributions, which were placed under the controul of committees, composed of idle and turbulent people, who willingly undertook the office, because they themselves benefited by it. Adam Smith thought that combinations among workmen were not dangerous—because they were counteracted by combinations among the master manufacturers, which he believed to be more frequent. That able writer was mistaken in the fact, and his reasoning was consequently erroneous.—Masters, it was true, might have a common interest in reducing the rate of wages—but the opposition among them was so much greater and more powerful than that among the workmen, that it prevented them from frequently combining together. On the other hand, the journeymen drove the reluctant into combination, through terror—and the apprehensive, by the hope of protection and security which their great numbers held out. This was not the language of a candidate for popularity—but it was a language which his public duty taught him to make use of.

Alderman *Atkins* should be happy to find that he was under an error in opposing the measure of the repeal; but he did so from the idea that we had no means of compelling young minds to pursue a trade, except by holding forth motives of encouragement, in showing that they would thereby have advantage over their fellows. He knew that many instances might be cited of great geniuses, who had not served apprenticeships. Such was Margarot, who invented the lunar tables, and a watch for the more perfect calculation of the longitude. Taking such instances as proofs of the non-necessity of being bound for seven years, young men may say, "Why should we submit to a term of bondage?" The answer of parents and masters is, "We are afraid to trust you; we will have our bond, and then we have a security for your attendance to your duty." Only take away the power to inflict the penalty; and it will be seen what a door we are opening for the neglect of our youth, who would then form their own views, and conceive themselves competent to practise a trade after only one, two, or three years initiation in its mysteries.

Mr. *Protheroe* was by no means satisfied with what had been said on this subject; but he did not conceive this a proper time for delivering his sentiments upon it.

Mr. *Peter Moore* was convinced, that the farther the hon. gentleman proceeded with his Bill, the more difficulty he would have to encounter. He had already caused very great alarm throughout the country; a proof of which was, the great number of signatures to the petitions which he (Mr. Moore) had presented against any alterations in the 5th of Elizabeth. There were not less than 300,000 in favour of the established law; while the illegitimate, unapprenticed, and itinerant counter-petitioners, coming forward against an existing right, did not exceed 2,000! If such claims were to be admitted, it would be right to enquire why other persons might not be justified in coming forward with theirs; and instead of confining apprentices to ribbon-weavers and watch-makers, the learned professions might be brought in question; and it might be asked, what right parsons or lawyers have to practise their duties, without serving a seven years apprenticeship.

Mr. *W. Smith* said, from what had occurred in the course of the debate, it appeared to him most necessary, that leave should be given to bring in the Bill, and that it should be read a first time; they would thus be perfectly aware of its provisions, and all misunderstanding on the subject would be removed. He did not place any great weight on the circumstance of the petitions against the measure being signed by a great number of persons; for, when individuals made it their business to go through the country, and to represent to the working classes that an attack was about to be made on their privileges, it was not wonderful that a great clamour should have been excited. He should not have been surprised, under such circumstances, if, instead of 300,000 persons, double that number had come forward. He had himself presented a petition from a great number of manufacturers, inhabitants of the city which he represented (Norwich) against the projected measure; but (though he had no doubt many of them were his constituents), as an independent member of parliament, that circumstance should not deter him from giving the proposed Bill a full and fair consideration—He thought, that, when the measure came to be discussed, there would be a great number of speakers against it; but he had no doubt there would be a large majority of votes for it.

Mr. Serjeant Onslow made a few observations in reply.

Leave was then given to bring in the Bill, which was shortly afterwards brought up; read the first, and ordered to be read the second time on Friday the 13th of May.

HOUSE OF COMMONS.

Thursday, April 28.

GENERAL AINSLIE.] Sir *Robert Heron* expressed a wish to lay before the House duplicates of certain letters which had been received from the West Indies with respect to those transactions in the West Indies which had within a few days become the subject of conversation in that House. He was not present on Monday, when the conduct of general Ainslie, relative to these transactions, had been animadverted upon; but he lamented the censure, and deprecated any decision upon the character of an officer high in his Majesty's service on mere rumour or *ex parte* statement. His object was correspondent with justice, in endeavouring to remove, by the production of these papers, any injurious impression which the censure or charges alluded to were calculated to produce upon the public mind. He could not, indeed, allow the character of a distinguished officer to be sullied by a mere impeachment without evidence. The charges advanced against this officer were not, he hoped, brought forward upon light ground. For himself he would say, that if this officer, or any person in authority, were found to oppress those whom he was bound to protect, that officer or person should never find a defender in him. But it happened, as he understood, that several documents respecting the case had been intercepted or lost, in their conveyance from the West Indies; and it was therefore wished, with a view to the elucidation of general Ainslie's conduct, that duplicates of the letters received by Mrs. Ainslie upon the subject should be laid before the House; with which wish he (sir Robert) now proposed to comply.

The *Speaker* observed, that such a proceeding was inadmissible. It was competent for any member to move for the production of any papers that he thought proper; but no member could, of his own mere will, lay any papers before that House. The hon. baronet might, however, go on with the statement of his case, if he had any motion in view.

Sir *R. Heron* stated, that from the letters he had alluded to, it would appear that the flogging which seemed to form the chief ground of complaint was inflicted upon a run-away slave, who was a Frenchman by birth, and who had been guilty of theft.

Mr. *Creevey* considered the hon. baronet's perseverance in this sort of statement as quite irregular, unless he meant to terminate in some motion, because the hon. baronet (sir H. Mildmay) who had originally brought the business before the House, would otherwise be prevented from replying.

Sir *R. Heron* said, that he did not wish to press the matter farther at present; but he hoped that that House and the country would suspend its judgment upon the charges against general Ainslie, until the whole of the case were investigated, and its merits fully ascertained.

Sir *H. Mildmay* thought it right to correct an error in the statement of the hon. baronet, for he had brought forward no charges whatever against general Ainslie; but having seen statements in the public papers, containing the most serious charges against the conduct and character of that officer, he felt it his duty to put certain questions, and to move for the production of documents in that House, with a view to the elucidation of those charges.

SLAVE TRADE.] Mr. Rose moved for leave to bring in a Bill for allowing ships seized in the Slave Trade and condemned, to be registered as British ships.

Mr. *Whitbread,* although he saw no minister in his place, took this opportunity of the mention of the Slave Trade, to express a hope, that in the pending congress a decisive declaration would be made by all the allies against the continuance of this nefarious traffic; and that this declaration would be followed up by efficient acts on the part of each of those allies; at least, that the utmost influence of this country would be used to promote this desirable and desired end. Of this opportunity he thought it proper to avail himself, to state his wish upon the interesting subject alluded to, because it might be the last opportunity that would offer in due time; although the right hon. gentleman might not be enabled to make him any answer respecting it.

Mr. *Rose* said, that he had no authority to make any answer to the hon. gentleman's question upon the subject referred to.

Mr. *Whitbread* anticipated that the right hon. gentleman had no authority upon the subject; but as the right hon. gentleman had opportunities of communication with ministers, he thought it right to state his wish and opinion, in the hope that it would be communicated, and have some effect;

for which he was the more anxious, as he happened to know that some persons were actually preparing, in the hope and contemplation that they would be allowed to resume this abominable trade.

Mr. Rose's motion was agreed to.

The Late Actions at Toulouse and Bayonne.] Mr. *Fremantle*, in consideration for the friends and families of those gallant men who had so unavailingly and lamentably fallen in the late actions at Toulouse and Bayonne, thought it right to ask what steps had been taken by our ambassador in France, by the British commissioners attached to the allied armies, or by the government at home, to send intelligence to our army under lord Wellington, of what took place at Paris from the 31st of March to the 12th instant.

The *Chancellor of the Exchequer* had no doubt it would be found that no practicable steps had been left untaken either by the English ambassador, by the commissioners alluded to, or by the government at home, to send the earliest intelligence of the events at Paris to the army alluded to.

Mr. *Fremantle* did not consider the answer of the right hon. gentleman as satisfactory. He wished to know the date at which the several dispatches had been transmitted to lord Wellington.

The *Chancellor of the Exchequer* declared, that he could not at present precisely state the dates required; but the hon. gentleman might make a motion upon the subject if he thought proper.

Mr. *Fremantle* thought it proper to move for copies of any papers or documents transmitted by the English ambassador or military commissioners with the allied armies to the English army in France, from the 31st of March to the 12th instant, with regard to what occurred in France, together with the dates of the same.

The *Chancellor of the Exchequer* suggested an amendment, by the addition of "or by his Majesty's government in this country."

The motion with the amendment being read,

The *Chancellor of the Exchequer* expressed his conviction that it would be found that every possible step had been taken to transmit that intelligence, the delay of which had occasioned the shedding of so much valuable blood. Nothing, therefore, remained for these melancholy events, but unavailing regret.

Mr. *Fremantle* disclaimed the intention of casting any imputation upon either the British ambassador, our commissioners with the allied armies, or the government at home; but he felt it due to the families of those who had so gallantly fallen, to shew that nothing had been left undone which ought to have been done, to prevent such wanton sacrifices. The consolation was small, but still it ought to be administered.

The motion was agreed to.

Sinking Fund.] Mr. *Grenfell*, pursuant to notice relative to this subject, began by expressing his regret that what he had to say on a topic of such great importance had not fallen to the task of a more competent person, as it was known to be one on which a considerable difference of opinion existed. He begged the House distinctly to understand, that his sole reason for noticing the subject was, that it might receive not only their most attentive consideration, but that of the public at large. The clause to which he should particularly allude, was that introduced in the original Bill of 1786, by the late Mr. Fox, and which was acknowledged by the late Mr. Pitt to have been a masterpiece of the ability of its great and enlightened author. The subject, however, was so familiar, that any details on the nature of the clause were perfectly unnecessary; yet it might be expected that he should enter somewhat at length into the mode and practice of carrying the Act into execution. The Act of the 26th of the King laid the foundation of the Sinking Fund; a measure not only the most clear and regular in its operation, but the most powerful, of any that was ever devised in support of the finance of this country. Nothing, therefore, could be farther from his intention, than to offer any opposition to the measure itself, or its progressive routine; but if the ideas he should suggest were duly considered and adopted, he was convinced that fresh vigour might be given to the excellent system. The hon. gentleman here gave an outline of the nature of the Act, and observed, that the uniform and uninterrupted operations of the commissioners had had the effect of accumulating hundreds of millions in their hands. The mode they adopted was this: they had employed agents and brokers to lay out certain sums of money, at regular periods, in the 3 per cents. At the passing of the Act in 1786, they applied their quarterly sums either to the paying off redeemable annuities, which might be above par, or to the purchase of others below par, at the market price. But the clause to which he alluded, was framed in the contemplation that a period would arrive when another and more advantageous mode might be adopted of laying out the money. It authorised the commissioners to advance this money by way of loan to any persons with whom such contracts of government might be made. This great financial machine, if it might so be called, was thus calculated to produce vast and absolute savings to the country. Yet the whole of the money had hitherto been applied to the purchase of stock for the extinction of the national debt; and it only remained to enquire which of the two modes would be most beneficial to the nation; that of continuing to purchase stock, or advancing the sums thus at command towards any future loan? He would briefly state the arguments which he had heard on both sides of the subject. The amount of the Sinking Fund to be applied in the present year for the purchase of stock is 12,000,000*l.* The loan may probably be 22,000,000*l.* He would merely take it at the amount of the loan of last year, at which time the amount of the Sinking Fund might be estimated at 45,000,000*l.* He wished only for an assumed average. Now it must be admitted, that to throw into the market 22 millions of stock, as was the case in November last, and then to employ agents to go and buy 12 millions, must keep up the price of the funds more effectually than if these twelve millions were withheld from the market. If government want 22 millions, and their own commissioners have 12 millions to lay out, would it not be better to take this latter sum on their own account, than to let it go into the market? Certainly the present mode was a very circuitous way of going to work; and it appeared to him, that not only ministers, but persons who had never gone into the stock-market at all, were more likely to form an unprejudiced and distinct opinion on this subject, than the most practical stock-brokers among them all. The price of the article which we call stock must depend upon the proportion of the supply in the market, and the leaving of an excess of public debt for a time; but withholding the 12 millions of the Sinking Fund, would operate as an advantage, rather than otherwise, by the effect it would have on the prices of the funds. To place the subject in a clear view, suppose a gentleman of 12,000*l.* a year wants to raise 10,000*l.* he goes among the money-lenders to raise it. They tell him "you must go into the market and buy 22,000*l.*; but get a person to take 12,000*l.* of the amount, and then you obtain your wants, and hand back the rest." The hon. gentleman pursued his illustrations, by citing cases of commercial bartering, and drew the inference, that the knowledge of the times when purchases were to be made on behalf of the Consolidated Fund, must naturally have the effect of raising the stocks at those periods. By way of contrast, he urged, that after a loan had been contracted for, the effect produced by the sale of omnium, in depressing the funds, was exactly in the inverse proportion as they were raised by the purchases of the commissioners. As fast as these commissioners pour their 12 millions into the public reservoir, the loan contractors take it out and carry it to the Exchequer; but by the mode which the clause in question gives them the power to adopt, they could carry it there at once. He could but very imperfectly state the arguments he had heard against this mode. He had been asked what were the arguments in favour of changing the system? Why, the profit that would arise from its operation. Were gentlemen aware what this profit would have been upon the last loan? He might say that the average premium of 20 per cent. upon the last loan is less than what would have arisen by the alteration in question, as the loan itself might have been reduced from 22 to 10 millions. The hon. gentleman concluded with saying, that he need not trouble the House any farther on a subject so self-evident. His object was only to invite them to give it all due consideration: he should therefore merely move for papers which would tend to throw additional light on the topic. The hon. member concluded by moving, That there be laid before the House an account of the money expended by the Commissioners for the reduction of the National Debt, in the quarter ending the 5th of April inst. together with the amount of the capital stock bearing interest; as well as accounts of the average price paid for every 100*l.* of the said capital, &c.

The *Chancellor of the Exchequer* said, that the observations which he was prepared to offer, were much abridged by the manner in which the subject had been treated by the hon. gentleman. The returns of the amount of the National Debt at the close of each year would have been very nearly the same, if the course recommended by the hon. member had been taken, as they had been under the present system. By this he meant, that the excess of the loan raised in each year over the sums appropriated to the extinction of the National Debt, would have been the same. In this respect, then, there would be neither an advantage nor a disadvantage in adopting the suggestions of the hon. gentleman; but the question which they had to consider was merely this:—whether, in the course of years, it might be expected to produce a better effect on the money-market? It might be impossible to show that the present system was superior to that of which the hon. gentleman was the advocate. He did not know any way in which they could positively decide the question; but he held the advantages which resulted from a gradual and constant application of a sum of money to the purchase of stock, to be superior to those offered by the plan of the hon. gent. If, for instance, the sum of 100,000*l.* were thus expended on every quarter-day, the effect produced at the end of the year would be more considerable than that to be looked for from a sum, equal to the whole amount of such purchases, being so disposed of at once in the market. There might be occasions on which it would be proper to have recourse to the plan of his hon. friend: when it appeared that there was any unfair advantage attempted to be taken by a combination of those disposed to bid for the loan, then it might be right for the minister to avail himself of that alternative which was afforded him by the law. There were other circumstances in which it might be his duty to do so. When a great rise of the funds was anticipated, for instance, or when the loan was so small that the commissioners could advance the whole of it, in these cases it might appear that he ought to go to them; but he could not admit that it ought to be his uniform practice. He begged to reserve to himself the free liberty of taking that course which according to circumstances should appear the best. He, however, admitted that the subject well deserved the most attentive consideration, and thought the hon. gentleman entitled to the thanks of the House for bringing it forward.

Mr. *S. Thornton* could not approve of the course recommended by the hon. gentleman. As a friend to the Sinking Fund, he was unwilling that any material deviations from the present system should be countenanced. That had enabled us to bear up, while our National Debt was augmented from 261 millions to 900 millions; and but for that, we should long ago have been at the mercy of our enemies. He gave every credit to the hon. gentleman for the clear and lucid manner in which he had brought the subject forward, but differed from him in his conclusions. The hon. gentleman, in noticing the agitation of the funds, observed, it was a very extraordinary circumstance, but the funds were seven per cent. lower now than they were before Buonaparte's abdication was known.

The *Chancellor of the Exchequer* in explanation of this circumstance observed, that the depression of the funds was caused by the expectation of a loan, the amount of which had been considerably exaggerated.

Mr. *Martin* spoke in support of the present system.

Mr. *Grenfell,* in reply, said he had been misunderstood. His plan, instead of injuring the Sinking Fund, would add to the means of the commissioners for extinguishing the National Debt. He had asked one of the contractors for the last loan if 12,000,000*l.* of the 22,000,000*l.* had been taken from the commissioners for paying off the National Debt, whether he would have been disposed to bid for the remaining 10,000,000*l.* The answer of the gentleman had been (and he was authorised to state it), I would not only have bid for it, but I would have given a higher price for it, had the loan been but 10,000,000*l.* instead of 22,000,000*l.*

The motion was agreed to.

REPORT ON THE ACT RESPECTING THE BOUNTIES, &c. ON SUGAR.] Mr. Brogden reported from the committee of the whole House, to whom it was referred to consider of an Act made in the present session, c. 24, for continuing certain bounties and drawbacks on the exportation of sugar from Great Britain, and for suspending the countervailing duties and bounties on sugar when the duties imposed by an Act of the 49th year of his present Majesty shall be suspended; and who were instructed to consider of the duties on sugar, coffee, and other articles, the produce of Martinique, Mariegalante, Guadaloupe, Saint Eustatia, Saint Martin, and Saba, imported into Great Britain; the Resolutions which they had directed him to report to the House; and the same were read, and agreed to by the House, and are as follow:

1. Resolved, That the Schedule annexed to an Act made in the 45th year of the reign of his present Majesty, by which the drawbacks and bounties on sugar exported from Great Britain were regulated and ascertained, be repealed; and that the following Schedule be substituted in lieu thereof, except with respect to raw sugar, for a time to be limited, viz.

Prices of Brown or Muscovado Sugar, at which Drawbacks and Bounties are payable.	Drawback to be allowed on Sugar of the British Plantations in the same state in which it was imported; and Bounty on refined Sugar, being ground or powdered Sugar.	Bounty on refined Sugar called Bastards, or refined Loaf Sugar broken in pieces.	Bounty on other refined Sugar in Loaf complete and whole, or Lump duly refined.
If the average price of Brown or Muscovado Sugar, published in the London Gazette, shall not exceed 45*s.* the cwt.	20*s.* the cwt.	25*s.* the cwt.	36*s.* the cwt.
If it shall exceed 45*s.* and not exceed 58*s.*	20*s.* - -	20*s.* - -	34*s.* - -
If it shall exceed 58*s.* and not exceed 60*s.*	18*s.* - -	18*s.* - -	31*s.* - -
If it shall exceed 60*s.* and not exceed 62*s.*	16*s.* - -	16*s.* - -	27*s.* - -
If it shall exceed 62*s.* the cwt. - - -	14*s.* - -	14*s.* - -	24*s.* - -

All the above Prices are to be taken, exclusive of the Duties of Customs paid or payable on the Importation of Sugar.

2. That it is expedient that sugar, coffee, and other articles the produce of Martinique, Mariegalante, Guadaloupe, Saint Eustatia, Saint Martin, and Saba, imported into Great Britain, be subject to the like duties, drawbacks, bounties, rules, regulations, and restrictions, as similar articles of the British plantations.

Ordered, That a Bill be brought in upon the said Resolutions; and that Mr. Brogden, Mr. Arbuthnot, Mr. Chancellor of the Exchequer, and Mr. Lushington, do prepare and bring it in.

IRELAND—REPORT ON THE ACT RESPECTING JUDGES' SALARIES.] Mr. Brogden reported from the committee of the whole House, to whom it was referred to consider of the Act of the parliament of Ireland, 40 Geo. 3, c. 69, to enable his Majesty to grant annuities to the Lord High Chancellor, and to the Judges of the Court of King's-bench, Master of the Rolls, Judges of the Courts of Common-pleas and Exchequer, Judge or Commissary of the Court of Prerogative, the Judge of the Court of Admiralty, the Chairman of the Quarter Sessions of the county of Dublin, and Assistant Barristers of the several other counties, on the resignation of their respective offices, and for other purposes therein mentioned; the Resolution which they had directed him to report to the House; and the same was read, and agreed to by the House, and is as follows:

Resolved, That his Majesty be enabled to grant, under certain conditions to be limited, unto any person who may or shall have executed the office of Chief Justice of the Court of King's-bench, Master of the Rolls, Chief Justice of the Common-pleas, or Chief Baron of the Exchequer, in Ireland, respectively, an additional annuity of 800*l.* Irish currency to each of such persons; and to any person who may or shall have executed the office of Puisne Judge of the Court of King's-bench or Common-pleas, or of Baron of the Exchequer, in Ireland, an additional annuity of 600*l.* Irish currency to each of such persons; such annuities to be granted to them respectively, after their resignation of such offices respectively.

Ordered, That a Bill be brought in upon the said Resolution; and that Mr. Brogden, Mr. Peel, Mr. William Fitzgerald, and Mr. Lushington, do prepare and bring it in.

PETITION OF THE HIGH BAILIFF OF WESTMINSTER.] A Petition of Arthur Morris, bailiff of the liberty of the dean and chapter of the collegiate church of St. Peter at Westminster, in the county of Middlesex, being offered to be presented;

Mr. Chancellor of the Exchequer, by

command of his royal highness the Prince Regent, acquainted the House, that his Royal Highness, having been informed of the contents of the said Petition, recommends it to the consideration of the House.

Then the said Petition was brought up and read; setting forth,

"That all precepts for the election of citizens to serve in parliament for the city and liberty of Westminster, are directed to, and returned by the petitioner; and that, by the report of a committee of the House, appointed to enquire into and examine the nature of the office of high bailiff of Westminster, and the duties and burthens incident thereto, it appears that the net annual income of the office is wholly inadequate to bear the necessary expences of such elections, and which, until the period of the petitioner's appointment, were uniformly defrayed by the respective candidates; and that, by the refusal of such payment at the contested elections in 1806 and 1807, the petitioner was placed in a situation of unexpected difficulty and risk, and sustained a clear actual loss of 1,269*l.* 10*s.* 2*d.* and therefore the same committee, considering the peculiar hardships under which the petitioner laboured, recommended to the House, that some certain provisions should be made for defraying those expences, as appears by such report, printed the 11th day of June 1811, and to which the petitioner begs leave to refer; and that, in pursuance of the said report, an Act was passed the 9th of July following, whereby it was enacted, that the expences of hustings and poll clerks should be defrayed by the candidate or candidates at all future elections for the city of Westminster; and that, in consequence of the refusal of the two members returned at the last election for Westminster, in October 1812, to comply with the provisions of the said Act, on the ground of their not being candidates at such election, the petitioner caused an action to be commenced against the hon. lord Cochrane, one of such members, who having suffered judgment by default to go against him, the petitioner obtained a verdict from a jury, under the direction of the sheriff, for 225*l.* being one moiety of the expences proved by the petitioner to have been incurred by him in and about such election, and which sum has been received by the petitioner; and that the petitioner was under the necessity of bringing his action for the other moiety against sir Francis Burdett, the other member returned, wherein the petitioner was nonsuited, and which nonsuit has been confirmed, after solemn argument, in the court of King's-bench, on the ground that sir Francis Burdett, not having interfered, directly or indirectly, in the conduct of such election, or sanctioned the same otherwise than by taking his seat, could not be considered a candidate within the meaning of the said Act; and that the petitioner has thus incurred a further loss of 225*l.* amounting, with his former loss of 1,269*l.* 10*s.* 2*d.* to the sum of 1,494*l.* 10*s.* 2*d.* exclusive of very heavy costs, making a total of not less than 2,000*l.*; and that such expences have fallen upon the petitioner in the due and zealous execution of writs for the return of members to the House, and not in consequence of any incorrectness on his part, but of the inadequacy of the act of parliament to protect him against the novel and unexpected manner of eluding the provisions thereof; and that the just and benevolent intentions of the House to afford relief to the petitioner have thus been frustrated, leaving him still a sufferer to an amount exceeding the whole net profits of his office during the seven years he has held the same, and more than his private fortune is equal to bear; and that it was the intention of the petitioner to make application to the House early in the present session, but was not able to obtain the sanction of the lords commissioners of his Majesty's Treasury until after the time limited for receiving petitions for private Bills had elapsed; and praying, that leave may be given to present a Petition for the purposes aforesaid."

Ordered, That leave be given to present a Petition as desired.

A Petition of the said Arthur Morris was accordingly presented and read; containing the same allegations as the last preceding Petition; and praying the House to afford him that remuneration for expences incurred in its service, which he trusts have been satisfactorily proved by the report of the committee before whom the principal part of the foregoing allegations were fully substantiated by evidence.

Ordered to lie on the table.

HOUSE OF LORDS.

Friday, April 29.

Norway.] Lord *Holland*, seeing his noble friend (lord Liverpool) in his place, was desirous of ascertaining from him the exact import of the suspension or cessation of hostilities, which he had announced the other day. When his noble friend said that a convention for the suspension of hostilities had been signed between France and the Allies, did he mean to state, that Norway was included among those powers between whom hostilities had ceased.

The Earl of *Liverpool* had no hesitation in stating, in reply to the question put by his noble friend, that Norway was not included in the suspension of hostilities.

Lord *Holland* asked, was it to be understood from that statement, that we were at war with Norway.

The Earl of *Liverpool* had no objection whatever to state the fact, that orders had been given at the proper place (the Admiralty), to take measures for the blockade of the ports of Norway.

Earl *Grey* supposed it was then to be understood from this statement, that the ports of Norway were to be blockaded by Great Britain, in order to compel Norway by famine to submit to unite itself with a foreign power against its inclination! He heard this avowed with equal astonishment and grief. What was to be done upon this, he did not know. The matter was in the hands of his noble friend. But some motion ought to be made, that the subject might be thoroughly sifted.

The Earl of *Liverpool* conceived himself to be limited at present merely to the giving an answer to the question. When the motion should be made, he would then have an opportunity of stating the whole of the circumstances.

Earl *Grey* observed, that as the motion to be made must be for the purpose of laying the foundation for some further proceeding, it was desirable that their lordships should have before them some official document. The statement of the fact by the noble lord was of course perfectly sufficient for them, as individuals; but to lay the foundation for a parliamentary proceeding, there must be some regular document, or evidence, to bring the matter officially before the House. Had the noble lord any objection now to consent to a motion for the production of the instruction to the Admiralty to give orders for this blockade? He would have an opportunity for giving a full statement of the circumstances on the motion for the further proceeding.

The Earl of *Liverpool* said, he certainly should object to the production of the paper. It could only serve as the foundation of some further proceeding; and therefore its production might produce inconvenience, but could do no good. The House was in possession of the fact. The statement of the circumstances had therefore much better be made on the motion for the production of the paper.

Lord *Grenville* said, it appeared to him, that it would be the better course of proceeding to have the paper first produced. The House knew the fact certainly from the noble earl's statement; but it would be better to have it brought before the House in a regular way, which it must be before any further proceeding could be had.

The Earl of *Liverpool* still continued of opinion, that it was preferable not to agree to the production of the paper in the first instance. Their lordships must be convinced that this did not arise from any wish to shrink from the avowal of the fact. He should give a full statement and explanation of the circumstances which justified Great Britain and the Allies in this proceeding, on the motion for the production of the paper.

Earl *Grey* said, he should move for the paper on Monday.—It was then ordered that the House be summoned for that day.

Lord *Stanhope* said, he was glad that the House was summoned for Monday; as a subject of the last importance, as connected with civil liberty, was to be discussed on that day.

BATTLE OF TOULOUSE.] The Duke of *Norfolk* wished to know whether it was the intention of ministers to move the Thanks of the House to lord Wellington and the army under his command, for the battle of Toulouse. He did not himself mean to submit any motion on the subject, but was desirous merely to state his opinion that it ought to be done.

The Earl of *Liverpool* stated, that ministers had no view of that kind at present.

DULWICH COLLEGE BILL.] Lord *Holland* moved the second reading of the Dulwich College Bill, and stated that the object of it was merely to enable the master to marry. By the statutes made for the regulation of the College by the founder, the master could not be a married man. This had been found very inconvenient, and was not suited to the present state of society. If their lordships permitted the Bill to go into a committee, he should undertake to shew, that this alteration could not be fairly considered as inconsistent with the intentions of the founder; and at any rate, if it appeared that any regulation of this description was adverse to the public interest, it was the duty and within the power of parliament to apply the remedy. This was not without precedent, as something of the same kind had been done in the case of Morden College, in 1806. The college was founded at a time when, by the law, the ecclesiastical heads of colleges were not permitted to marry. When laymen were placed at the heads of colleges, it was thought advisable to subject them to the same celibacy. But at the Reformation, the prohibition as to the ecclesiastical heads of colleges was done away, while it continued as to laymen—the former being held to celibacy only by the general law which was abolished, while the private statutes still remained in force as to laymen at the heads of colleges. It could hardly be considered as consonant to the intention of the founder, that, under this change of circumstances, the statute as to the celibacy of the master should continue in force. It would certainly be highly beneficial to the college that this Bill should pass; for if they consented to go into a committee, he understood, that the necessity almost of such a change in the regulations might be proved. There were several absurd statutes besides this, which, perhaps, it might be proper to alter, though that was not the object at present. The college was under the necessity of electing a man of the name of Allen, who should be an unmarried man, and they were obliged to proceed to the election within a fortnight from the commencement of the vacancy. It was obvious, that when vacancies frequently occurred, improper persons must therefore sometimes be chosen. He had stated so much on account of the industry which had been exerted out of doors with respect to this Bill; but in hopes that the House would suffer the Bill to be committed, he should say nothing further on the subject at this time.

Lord *Ellenborough* agreed with the noble lord, that much industry did appear to have been exerted out of doors, and with considerable effect, as might easily be seen (alluding possibly to the numerous attendance on the opposition side). He should therefore content himself at present with protesting against the principle of the Bill, without opposing its going into a committee.

The Duke of *Norfolk* was adverse to the principle of the Bill. If the statutes made by the founder were thus to be altered, it would be better that the corporation should be dissolved at once, and the property suffered to go to his heir at law. The precedent of Morden College was a bad precedent, and rather afforded an argument against than for the present Bill.

The Earl of *Liverpool* had very much the same view of the subject as the noble duke. The precedent of Morden College he thought a bad precedent, and one rather to be avoided than followed: he should not, however, oppose the Bill going into a committee.

Lord *Grenville*, being one of those who had voted for the Morden College Bill, thought it necessary to say a few words as to the grounds of his vote, though he should only say a few words now, there appearing to be an understanding that the Bill should be committed. Their lordships were aware, that these foundations were, in fact, the creatures of the legislature; and that the founder was only permitted by the act of the legislature to make statutes for the time to regulate his college. There must be in every society a supreme power to alter and regulate whatever in its actual situation appeared to be adverse to the public interest. To say, that any founder of any institution could make statutes unalterable by the legislature, was as absurd as to say that the present parliament could make laws unalterable by any future parliament. Highly as these foundations ought to be respected, and great as was the deference which ought to be paid to the wishes of the founder, yet in any college if there appeared to be statutes adverse to the public interest, God forbid that it should be out of the power of the legislature to correct the evil, and act for the public interest in that, as in other respects. This he thought himself bound to say, much as he respected these colleges and the statutes of their founders. He thought the case of Morden College one to which this high power of the legislature was most properly applied, and on that ground had voted for it. What the exact state of the present case was, would be best ascertained in the committee.

The *Lord Chancellor* did not give any opinion on the subject at this time. They would have an opportunity when in the committee of examining these statutes, and forming a correct judgment upon the whole matter. But by agreeing to go into the committee, he requested it might be understood that he did not mean to prejudge himself in any way as to what might be fitting ultimately to be done. The Bill had been referred to the judges in the usual way. When the Bill was brought in, the preamble bore that the alteration might be useful to the college. The judges had struck out this, and inserted those, "whereas, &c. it might not be prejudicial to the college." If their lordships were to alter statutes because they might not be prejudicial to the colleges, there was no saying where they were to stop. How far it might be proper to make any alteration in the present instance would of course be best ascertained in the committee; and so far, therefore, he was ready now to go.

The Earl of *Liverpool* said, that the question might perhaps assume a different shape after it came out of the committee, and that was certainly a reason for going that far, though he was adverse to the principle of the Bill as it appeared at present.

The Bill was then read a second time, and ordered to be referred to a committee, which was appointed to meet on Monday fortnight.

HOUSE OF COMMONS.

Friday, April 29.

Norway.] Mr. *C. Wynn* rose, pursuant to notice, without, he said, intending to trouble the House with any length of observation on the subject. He did not mean to require any information either as to what was doing or intended to be done in the pending negociation, but solely to enquire as to our situation and relation with regard to Norway. In reply to a question which he had yesterday put, namely, whether we were now at peace or at war with Norway? his right hon. friend (the Chancellor of the Exchequer) had thought proper to state merely, that the government of this country did not recognise Norway as an independent nation, but as an integral part of the kingdom of Denmark. This reply, however, he could not deem satisfactory. For referring to the case of France, although after the deposition of the monarchy in 1792, the British government did not acknowledge the republic that followed, yet we were at peace with the French. Now he wished to know whether we were in a similar relation with the Norwegians? By the stipulations of last year, it appeared that our government had agreed to concur in endeavouring to obtain the cession of Norway to Sweden; and the question now was, whether an order had been issued by ministers, as it was understood, to interrupt any communication with Norway, in order to force the Norwegians to assent to that cession? If such an order had not been issued, then it would appear that the question was still open for discussion. But if it were otherwise, and his right hon. friend should still decline to give any answer upon that subject, he should feel it his duty to move for the production of copies of any orders issued to prevent communications with Norway. At the same time, he observed that it was in the power of his right hon. friend to prevent any motion at present by one word, either yes or no.

The *Chancellor of the Exchequer* said, he was happy that he had it in his power, according to his hon. friend's statement, to take that course which would serve to avert any premature discussion upon the subject. For he felt no difficulty in stating, that his Majesty's government had, in concert with Sweden and our other allies, issued an order for blockading the ports of Norway.

Simple Contract Debts.] On the motion of sir Samuel Romilly for the committal of the Bill for rendering freehold estates subject to the payment of Simple Contract Debts;

Mr. Serjeant *Best* argued against the measure as inexpedient and unnecessary; because it was owing rather to the neglect of creditors themselves than to the deficiency of the existing law, that their claims were not put into a proper shape to inforce their payment; namely, by rendering their claims what the law called "special." He would not therefore consent to alter a law of long establishment, in the existence of which the landed proprietors and the aristocracy were so much interested, and the character of which was sustained by so many high legal authorities. Besides, if the law were altered, by rendering freehold estates liable for simple contract debts, facilities would be afforded to young heirs to contract improvident debts, and to fraudulent claimants also to press demands after the death of land-owners, for the payment of services which might be probably gratuitous; but which at all events, the party being dead, it might be impossible for the heir to rebut by any satisfactory explanation. On these grounds, the learned gentleman concluded with moving, that the Bill be committed this day six months.

Mr. *Preston* supported the Bill; and asked what was to become of the claims of creditors on simple contract debts where the debtor died prematurely, before the debts could be made special? He considered this measure as likely to produce great benefit, and liable to no just objection.

Sir *Arthur Piggott* said, he would willingly contribute whatever aid he could towards the support of this Bill. The proposition upon which this Bill was founded appeared to him so plain, that it did not seem capable of being resisted. That men should contract debts, and not have their property liable to the payment of them, was so inconsistent with justice—was a thing so preposterous, that he wondered any person could be found hardy enough to support it. This was the second time in his parliamentary life, when an opportunity was afforded him of contributing his vote to remove from the law of the country that reproach to which it was so justly subject. Three centuries had now elapsed since the Statute of Wills enabled men to dispose of their property as they pleased, even so far as leaving it to persons not in the remotest degree connected with them, and the farthest removed from their natural affections; not even saving the rights of their heirs, or the rights of creditors. Such was the slow progress of legal improvement, that 151 years elapsed after this statute, before the Statute of Fraudulent Devises passed, in the year 1641, by which creditors were in some measure protected. For a space of 151 years, creditors remained in such a situation, that they might be disappointed by specialty; and, after that time, for 151 years more, a person might owe, if possible, a sum equal to the national debt, and, by avoiding certain solemnities in his contract, might dispose of his property so as altogether to disappoint his creditors. Ought the law, he would ask, to remain in such a situation as this? Since he was capable of considering the matter, his opinion upon it never varied for one moment; nor did he see any thing in the arguments which he had heard, to remove the conviction on his mind, that the law ought not to remain in this state. At present, if a man did not found his contract upon a mortgage, and have his attorney at his elbow, with the wax and parchment upon the table, he was liable to give credit without any power of being paid, even though a person possessed ten times the amount of the debts he owed. And upon whom did this inconvenience fall? Was it not upon the honest and industrious tradesman?—upon the poor mechanic—not upon the great capitalist, or upon the money-lender, who knew very well they must have a specialty debt, or else they could not recover, and who took all the necessary precautions. It was not the debts of the latter that were made subject to any danger; it was the simple contract debts. The simple contract creditors were the persons who were precluded from payment, if the debtor should die without charging the debts upon his real property. Such were the inconveniences that resulted from the present state of the law. It was stated to be the duty of parliament to legislate for particular grievances as they arose. Was it meant to be asserted, that no practical grievances arose from the law as it now stood—that no tradesmen, no mechanics, lost their just debts, and with their debts lost their credit, and with their credit the means of supporting their families? It was invidious to allude to particular instances; but from his own experience in the courts of justice, he knew that when charges on real estates came to be administered in many instances, the creditors by simple contract were disappointed, though their demands were as just as if they had been contracted with all the solemnities of law. Were such things to be endured? He was lost in surprise when he considered that the law was suffered to remain in such a state to the present day; that in the year 1814 a man could have the power of disposing of his property in such a way as to avoid the payment of his just debts. Among the many incongruities which grew out of this system, he would only remark upon one. It was the practice to which the great men were obliged to have recourse, who presided in the courts of justice, from the time of lord Jefferies, under James the 2nd, down to the time of lord Rosslyn: they were driven to the necessity of supposing the will to contain expressions which were not in it; that the testator might, by that means, be obliged to do justice to his creditors. They all professed that they would go the utmost lengths to interpret the wills so as to do justice. This alone proved that the law was not in such a state that the testator could be compelled to do justice to his creditors. It may be asked, why it happened that this law was allowed to remain? The same question may be put with respect to other laws—why was so much time suffered to elapse before the statute against fraudulent devises was passed? Was it a less sacred duty to pay a simple contract debt of 50*l.* than a bond debt of great amount? It was the non-payment of these simple contract debts, that filled the gaols with unhappy persons, who were brought to misery by such foul and fraudulent transactions. It was surprising that the law was not repealed before—but it was better late than never. No inconvenience could result from the Bill. It was represented as the support of the aristocracy: he could not believe it. The aristocracy would disdain any such support. The son of a nobleman would, he was certain, disdain to inherit his father's estate, without the payment of his just debts; he would not injure his respectability by any such means. In the present state of society, when property of every kind was so unfettered, the law should not be suffered to stand. An Act had passed some time back, by which the real property of traders was subjected to the payment of their simple contract debts. Were it not for this law, contractors and others, who made their property by lending money, and, as a great man once expressed it in that House, "whose equipages shone like meteors, and whose palaces rose like exhalations," would be enabled to purchase estates to any amount, and at the same time disappoint their creditors. The law should be extended in the same way to the real property of persons not concerned in trade; and he would support it, not only by his vote in that House, but by any other means in which his influence could be exerted.

Mr. *Wetherell* thought that the late innovations made, and endeavoured to be made, upon landed property, would give rise to much inconvenience.—In the principle of such a Bill as this, as it applied to traders, he willingly concurred. In consequence of the great increase of trade, and the importance of commerce to the country, such a law was necessary. One of his reasons for opposing the present Bill was, that, if they passed it, it would be soon found necessary to proceed further. It could not be said, that there was any practical inconvenience in this respect existing now, which had not existed for 300 years. It was said to be a proposition of morality, that men should pay their debts. That proposition, however, in many points, was to be limited by political expediency; and was actually so limited by the laws as they stood at present. A verbal promise to pay money was binding *in foro conscientiæ,* but it was not so by law. By the law as it stood now, creditors could not be permitted to take the whole rents and profits of a real estate, nor could land pass by mere verbal agreement. It required three witnesses to a will disposing of land, but money might be disposed of by an instrument completely unauthenticated. If the present Bill passed, it would have the effect of letting in a large class of spurious debts, to the injury of the honest creditor.—The question for the consideration of the House was, whether it was not better to permit the law to remain as it at present stood, than, by altering it, as his learned friend proposed, to do a little good, at the risk of creating a great deal of evil? Such an innovation would give rise to many fraudulent claims, which otherwise would not be thought of. The old adage, "Dead men tell no tales," could not be applied to any subject with more propriety than to this. For he was convinced, that, under the proposed innovation, claims and demands of a fraudulent nature would be set up against the estates of those who, by death, were prevented from resisting them. If they passed the Bill of his learned friend, they could not stop there—they would be obliged to sanction a variety of others. One of their first proceedings must be, to repeal the Statute of Frauds.—By it, claims were to be made within the space of three years; but, by his learned friend's Bill, the period was extended, under any circumstances whatever, to six years. It was not a proper way to look at the question, as a matter merely to be considered *in foro conscientiæ*—it should be treated as a question of civil policy. That question of civil policy was, whether the House ought to permit debts, after a man's decease, to be authenticated by mere parole testimony? If it were admitted, then they would open to usurers and money-lenders a door for the perpetration of fraud and injustice, and at the same time provide a *pabulum* for the dissipated and extravagant! It was very true, there were circumstances, particularly in cases of sudden death, where the fair trader might not be able to procure his just and equitable demand from the estate of the debtor; but, in his opinion, the measure which his learned friend proposed to remedy the inconvenience, would produce considerably more mischief than that which it was intended to remove.

Mr. *Stephen* said, his hon. and learned friend (sir Arthur Piggott) had, with all the eloquence and learning which he so eminently possessed, defended the Bill on the broad ground of justice, which required that the present law should no longer be suffered to exist. In answer to this, the learned gentleman (Mr. Wetherell) asked, "Can any mischief or inconvenience be now stated to rise from it, which has not existed for the last three or four hundred years?" If, however, the length of their duration were to be considered a sufficient reason for perpetuating grievances—if their antiquity were a plea sufficient to prevent their removal—then the learned gentleman himself had acted inconsistently; for he had given his assent to a measure brought into that House, some years ago, by his learned friend (sir S. Romilly), by which the estates of commercial men were made liable to the bankrupt laws. The arguments which he had applied to the present case, bore equally upon the former!—And, indeed, the very same objections might be advanced against the Statute of Frauds, important and salutary as it was allowed to be. The learned gentleman had observed, that moral principle ought not to be considered by itself in this case—but that it should be connected with views of political expediency. Were they, then, to put the cause of justice out of the way—were they indeed to forget every moral principle, because some question of political expediency intervened? The learned gentleman observed, that a man who entered into a verbal contract to sell his estate, could not be compelled to ratify that contract, if he did not please. Such conduct, he allowed, was perfectly unjust; but still the law supported him in thus acting; and, therefore, he inferred, that the law made morality bow its head to expediency. Now, the fact was quite contrary—the principle on which the Statute of Frauds proceeded was, not to prevent simple contracts from being enforced, but to guard against the reception of parole evidence, which might be improperly obtained. That law was not enacted to render simple contracts of no effect, but to prevent men from having false and surreptitious contracts set up against them. It was not introduced, as a matter of civil policy, opposed to morality; but it was, in truth, enacted to serve the interests of morality. The learned gentleman said, "If you permit simple contract claims to be made on the estate of a deceased person, you will let in a vast number of fraudulent demands—the property will be exhausted in the payment, not of just, but of unjust debts"—that is, of simple contract debts. Now, if this argument were good for any thing, it went directly to call upon them to enact, "That simple contract debts should not be paid at all."—But, where was the justice of permitting a man's goods and chattels to be seized, after his death, under that very species of evidence which the learned gentleman seemed to think dishonest; and yet to exempt his landed property from the payment of debts proved in a similar manner?—He might as well say at once, that no debt should in future be paid, except those which were termed specialty debts, where an instrument in writing had been given by the debtor to the creditor. The learned gentleman seemed to fear, that, if the Bill were passed, tradesmen would avail themselves of the opportunity which it would afford them, of making parole claims, without any just foundation. Now, he believed, the fact would be directly the reverse; and, he should be glad to know, who the persons were that usually made rapacious and unjust claims? Were they made by tradesmen? He believed not. The very worst species of creditors, he was convinced, would be found among that class of persons, money-lenders and usurers, who came forward with their deeds and bonds! Would a young and extravagant heir, who expected to come into the possession of a plentiful estate very speedily—would such a person, if he wanted money, refuse to put his hand to a bond, however disadvantageous the terms demanded of him? It was thus the usurer dealt—he took care to have a written security—and, in proportion to the dishonesty of the transaction, people of that description were more and more cautious. But the case of the fair trader was completely different. He, confiding in his own integrity and uprightness, did not think it necessary to demand such securities. But, was he therefore to be prevented from recovering his just and legal demands? The learned gentleman dilated a good deal on the circumstance, that no compulsion could make an individual become a creditor; and that, when he did so, he acted willingly. Now, he should have recollected, that there were involuntary creditors. What would he say to the devastavit of an executor—or, to lay aside technical terms, where an executor misapplied the money intrusted to his care—this was a simple contract debt. And yet, as the law now stood, although, by such misconduct, the executor might reduce to want and misery those whose interests were intrusted to his care; and though he might leave behind him a plentiful estate, for his own family—yet, such was the injustice of the system, that the debt thus dishonourably contracted could not be recovered from that estate! There was also another case, which applied to the observation upon voluntary creditors. That was, where a person, empowered to sell out stock for another, made use of it for his own purposes. This also was a simple contract debt; and although it might be recovered from the estate of a person in business, and therefore subject to the bankrupt laws; yet, if the individual who acted thus fraudulently did not come under the denomination of a trader, it could not, on his demise, be charged upon his estate. Was it not shameful, was it not deplorable, that such flagrant abuses were suffered to exist in a great commercial country? Such was the immorality and injustice of the system, that a man, who could not recover his simple contract debt on the estate of his deceased debtor, might be sent to prison for debt incurred by himself, which he was prevented from discharging, in consequence of his inability to procure that which was due to him. He did not think there ought to be that leaning towards the landed aristocracy of the country, highly respectable as it was, which should call upon the House to continue that which was manifestly unjust. And, when he said that, he felt convinced, that the landed proprietors, the country gentlemen themselves, did not wish for that species of support. Their importance in the country, and the respect which was due to them, were not founded on such an immunity as this; but on their own honourable, manly, independent, and patriotic character! Such a system as that which the learned gentleman supported did not exist in the colonies. Freehold estates were there amenable to the payment of simple contract debts; and the precedent was worthy of particular notice—for, where an estate had attached to it 2 or 300 human beings, the transfer of the property must be attended with more afflicting circumstances than could possibly happen in this country. Why, he would ask, should the property of every class in society, except those who were termed gentlemen, be chargeable with simple contract debts? Why should a rule be laid down for the protection of men, who, as it were, made their fathers sin in their graves? It might be said, that this system tended to prevent estates from travelling out of the direct line of inheritance. But, in his mind, the conduct of individuals, who were capable of committing such injustice, would be visited by the displeasure of Providence, and the inheritance would ultimately depart from the posterity of those by whom it was originally enjoyed.—He supported the measure with all his heart—for there did not appear to him to be any difference between the true policy of the case, and its admitted morality.

Mr. *Lockhart* said, when his learned friend (sir S. Romilly) first brought forward this measure, it struck him, that it could not be opposed, except on the ground of some great public inconvenience being likely to arise from it. In consequence of this, he examined the Statute of Frauds, which supplied him with the same powerful argument in support of the Bill, that his learned friend (Mr. Stephen) had already submitted to the House. He had next looked into the Statute of Fraudulent Devises, which was drawn up by men of very great ability; he there found it enacted, that debts should be paid out of the estates of men deceased; but its provisions did not extend to any but specialty debts—simple contract debts were not recognized by it.—It appeared to him, therefore, that, in making this distinction, the great men who had framed the Act, were influenced by some very grave and important considerations. He therefore proceeded to a gentleman, of very great experience, in the Master's Office in Chancery, and enquired, "Whether, where a man devised his estate for the payment of his debts, in general, he had ever known any public inconvenience to arise from the disposal of the property?" He was answered, "Never." He next enquired, "Whether, where persons proved their debts, by their own oaths, he was aware of any evil having ever resulted?" The answer was, "No; because, where the debt was opposed, the oath of the party was not sufficient to procure its discharge—he must substantiate his demand, in that case, by additional evidence; and, where a doubt existed, it was customary to direct an issue to be tried in a court of law, to settle the disputed point." Now, if no inconvenience had been created by this process, where it had been tried, he could see no reason to induce him to withdraw his assent from the further progress of the Bill, which was sanctioned both by morality and expediency. He wished, however, to ask his learned friend (sir S. Romilly), what public inconvenience he dreaded, which prevented him from providing in his Bill, that the estates of persons, which were not devised, should be legal assets, as well as those which were?—Was it to avoid the multiplicity of actions that might arise?—(Sir Samuel Romilly motioned that it was.)—If that were the case, as his learned friend intimated, then any suggestions of his were unnecessary.—He also wished to know, whether, from the manner in which the measure was framed, there existed any danger, by a simple contract creditor's filing his bill, of incumbering the title of the heir-at-law?—(Sir Samuel Romilly intimated that there was not.)—Having received a favourable answer to both his enquiries, he felt himself called upon to oppose the amendment of the learned gentleman.

The *Solicitor General* said, he felt exactly in the same situation as his learned friend (Mr. Wetherell), who had preceded him. Great names were certainly arrayed in favour of the measure; yet, however diffident he might be, in standing forward against such acknowledged ability, he felt himself conscientiously called upon to oppose the farther progress of the Bill. Exercising his own discretion on the subject, he must say, that his judgment dissented from the argument adduced by the gentlemen who had supported the measure. If it were a matter personal to himself, after having heard the opinions delivered by men of so much learning and experience, even if he thought that they were not perfectly right, still he would rather have deferred to their judgment, than have implicitly followed his own; then he might, without imputation, sacrifice his private opinion; but, as a member of parliament, he stood there to give to his constituents, and to the public, the reasons which influenced his vote. The object of the present Bill was, to remove one of those landmarks, by which the descent of real property, from ancestors to their posterity, had been guided from a very ancient period—and to make it liable to simple contract debts, to the payment of which it never had been subject, from the earliest times to the present day; and he did not think, that any one of the cases put by the gentlemen who supported the measure, rendered it at all necessary to invade that long-established rule. Those gentlemen who spoke in favour of the alteration seemed to think that the statute of Fraudulent Devises was an innovation sufficient to sanction what they now proposed.—The fact was very different.—That statute operated to restore the right which the creditor had, at a former period, under the common law. Before the reign of Henry 8, by statute staple, by recognizance, &c. the claim of the creditor was a lien on the real property of the debtor—after whose death, he had a right to receive his share of the proceeds, on distribution. The Act of Henry 8, gave to every man the right of devising his property to a stranger; this was the destruction of the right the creditor previously possessed, under the common law—but, when the statute of king William was passed, it subjected the land to the same lien, in the hands of the devisee, as in those of the heir at law; in other words, it restored the ancient right of the creditor to his lien on real property. It said to the debtor, "You shall not, by the right the law gives you to dispose of your property, defeat that lien, which the creditor had before the law gave you an opportunity of evading his demand." The Act of Henry 8 was an innovation on the common law; but that of king William brought back the ancient right of the creditor, and, therefore, was not an innovation. That being the case, it by no means warranted the alteration proposed by the present Bill; but, on the contrary, afforded the strongest argument against it—unless it was contended, that they were not to be guided by those who had gone before them. It did appear to him, that the legislature, in the time of king William, did go as far as they thought they could proceed with safety, when they made the estate, in the hands of the devisee, equally liable as if it were in the hands of the heir at law. The statement made by his learned friend (sir A. Piggott), that, in the court of Chancery, the greatest extent possible was given to the words of persons who had devised their estates for the payment of their debts, did not apply here. In those cases, the court of Chancery, and the courts of law, would look astutely to the words of the devisor, to see what his intention was, that it might be carried into effect. It was, however, said, that all the chancellors, from chancellor Jefferies down to lord Rosslyn, had expressed themselves in favour of charging simple contract debts upon real property. For the purpose of benefiting the simple contract creditor alone, they were stated to have examined, with the utmost minuteness, the terms of every devise.—But, if that were the fact, it was most extraordinary, that, during this whole period, not one of those chancellors, many of whom sat in the other House of Parliament, where alterations of the law often originated, had ever brought forward, or suggested, any measure, or even stated the propriety of a measure, for rendering real property subject to this species of debt. When he called the attention of the House to the antiquity of the present system, he did not mean to say, that antiquity alone should be considered as a safeguard. But, when a measure had existed, as he might say, "from all time," when, in consequence, the evils supposed to arise from it, must have come under the consideration of courts of justice, year after year, and yet no measure was proposed to the legislature to remedy these supposed defects—he thought it would induce the House to pause, and weigh the matter most seriously, before they determined on removing one of the great land-marks affecting the descent of real property. He admitted, and certainly no person would attempt to controvert the truth of the position, that every man was bound, by a moral obligation, to pay his debts. But this, as well as many other obligations in society, was imperfect. And it might not be good policy to enforce the performance of an act (though *in foro conscientiæ*, such a proceeding might seem proper), when it involved principles of general expediency. Thus, he could not allow, because it was a moral obligation for a man to pay his debts, that, therefore, they should break down the law of property, and render the person in possession liable for what his predecessors owed. If they did alter the law of landed property, why not at once give the sheriff an opportunity of selling the estate, in the same way that he would dispose of any other species of property? By the present law, a creditor was permitted to receive half the rents and profits of his debtor's estate, till his demand was liquidated. But why not suffer him to take the whole?—The moral obligation was, that he should pay all his debts; and it extended as much to his entire estate, as to a moiety of it. At present, in order to substantiate a charge upon the landed property, it was necessary that an obligation of a highly solemn nature should be entered into, or that the judgment of some court should have been obtained.—This was considered very hard on the creditor.—But could they forget that the debtor and creditor entered into the contract together? There was no compulsion. The creditor knew the terms—and he was not obliged to give credit. It was said, that every man ought to know the law. This, with respect to some laws, would, he thought, be requiring too much. But, he believed, there were very few men, who did not know, when they gave credit, that it was only on the personal security, on the personal property, of the debtor that it was given. Whether a man would or would not comply with a demand for credit, was the subject of a simple question. But, when once an individual thought fit to lend, on particular and specific terms, of which he could not be ignorant, what right had he to complain that the law granted him no more? Why should he demand a greater extent of indulgence, when it was in his own power, originally, if he chose, not to sell his goods, unless under a special contract? Among traders, real property had been made liable to simple contract debts; but the reason was, that they were obliged, amongst each other, to give credit—it could not be avoided. This system of granting extensive credit, was said to be absolutely necessary in this great commercial country;—for his own part, he thought differently—and he looked upon it as one of the greatest evils in society. They had often heard of the unfair debtor ruining the honest creditor—but he could not avoid looking at the creditor, in many instances, as tempting and enticing the thoughtless and giddy to become indebted to him.—The prevalence of giving credit among the trading class struck him as the source of many mischiefs—but, whether it was so or not, the question for them to decide was, whether they should alter the law of real property in this country—whether those laws, under which they had lived so long, under which property had been enjoyed for ages, had produced such crying evils, as rendered their abrogation necessary?—He was of opinion that they had not; and, therefore, he should vote for the amendment.

Mr. *D. Giddy* said a few words against the Bill, as one likely to augment the facilities of obtaining credit; and to excite, in tradesmen, an increased avidity to grant it, when they knew that real property was rendered liable for debts.

Sir *S. Romilly* said, that much of what he intended to have urged in behalf of the measure, was anticipated by the gentlemen who preceded him. If those who opposed the present measure were right in their opposition, they ought to move for the repeal of that Act by which the estates of traders were made subject to the bankrupt laws, because the same arguments applied in the one case with equal propriety as in the other. A learned friend of his had said, that lord Kenyon and the earl of Rosslyn were both of opinion, that no alteration should be made in the present system—and that, from his respect for those great men, he would oppose the passing of the intended Bill. In this instance, he thought his learned friend's respect for great names was carried to a very unusual extent indeed. But it so happened, that the opinion of lord Rosslyn was directly the other way. His lordship, in the case of Perry, 4th Vesey, jun. said to the counsel—"I wish I could adopt your principle—if I could go so far, I would go farther. It would be desirable that the estate should be liable to the payment of all simple contract debts."—Mr. Justice Blackstone spoke on the subject in a most decided way; and he was not a man likely to remove any of the landmarks of the constitution. Speaking of the powers of a court of equity, he thus expressed himself—"Hard is the common law; still declaring, that land devised or descending to the heir, shall not be liable to the simple contract debts of the ancestor or devisor; although the money was laid out in purchasing the very land; and that the father shall never immediately succeed as heir to the real estate of the son. But a court of equity can give no relief; though in both these instances, the artificial reason of the law, arising from feodal principles, has long ago entirely ceased." Lord Macclesfield also held similar sentiments. In construing the terms of a devise, he favoured the payment of simple contract debts—observing, that the court of Chancery ought not to be accessary to making a man a knave against his will. Sir Samuel then proceeded to point out the reason why the moiety of the rents, and not the whole, were at present received by the creditor. Under the feudal system, a tenant was prevented from changing, without the consent of his lord. But, by Magna Charta, for the first time, a man was allowed to alienate a part of his estate, leaving sufficient to enable him to do service to his lord; and, for that purpose, a moiety was considered enough. The law had it not in contemplation to preserve landed property entire; and, indeed, it did no such thing—for, by the present system, if two creditors sued out judgment, on two bonds, each of them might take a moiety of the estate.—To trace the origin of such laws, required a man to be an antiquary—although he had no doubt, many gentlemen admired them very highly who were quite ignorant of their origin. Sir Samuel then showed by historical detail, that the cause which produced this law had ceased to exist for many centuries, and that that cause was not by any means what gentlemen on the other side had contended it to be. The facility of credit he thought a most fallacious argument; as if the creditor would be less influenced by the power of immediate arrest, and consequent judgment, than by the hope of coming upon the estate after the death of a person of youth and good health. He very much feared that some of his hon. and learned friends had deceived themselves upon this subject; and said, that in another place he sometimes deceived himself by the argument to which he was obliged to resort. He should state a case to the House, of a gentleman who had borrowed a sum of money which enabled him to purchase real property to the amount of 13,000*l.* per annum. This gentleman died without having paid one shilling of the loan which had enabled him to make the purchase; but, fortunately, the Act so frequently alluded to during the debate was in force at the time. A bankrupt, secreting his property, was treated as a murderer; whilst other persons, whose act was morally the same, were encircled with respect and splendour. The bankrupt was led to the place of execution; whilst the person, whose non-payment of his debt had caused the bankrupt's ruin, sat, perhaps, witnessing from his window, without remorse or pity, this appalling scene of human suffering and shame. He was surprised to hear those tradesmen and artificers, "to whose wealth and industry (said sir S. Romilly) many of us owe our stations in the House and in the country," represented by some of his hon. and learned friends as no better than swindlers.

A division took place on the question, that the Speaker do leave the chair.—Ayes 61; Noes 37.—The Bill then went through a committee, and was ordered to be reported on Monday.

COPY-RIGHT OF BOOKS.] Sir *E. Brydges* moved, that a notice of his, on the subject of the copy-right of books, should be discharged; as he saw an hon. gentleman in his place, with whom the subject had originated, and in whose hands it would therefore better continue. Ordered.

Mr. *D. Giddy* (the member alluded to) then gave notice, that on Thursday, he should move for leave to bring in a Bill to regulate the copy-right of books, pursuant to the report of the committee last session.

HOUSE OF LORDS.

Monday, May 2.

CIVIL LIBERTY.] Earl *Stanhope* rose, pursuant to notice, to call the attention of the House to this subject; and he expressed his persuasion, that what he had to state with regard to the violation of civil liberty and common humanity, under the law as it at present existed, particularly in consequence of the arrest upon mesne process, was such as must excite the astonishment, and interest the feelings of every one who heard him. Before he proceeded to this statement, he thought it proper to advert to the Act of last sessions for the relief of paupers confined in the King's-bench, the Fleet, and the Marshalsea. According to this Act, a magistrate was authorised to order an imprisoned pauper an allowance of 6*d.* per diem; which allowance their lordships would readily feel to be miserably scanty, especially where a prisoner should have a wife and family to support. But before even such an allowance was granted, a prisoner must swear that he is not worth ten pounds in the world. Still, after that oath, the prisoner was condemned to remain in a situation of wretchedness, and starving, unless, as it appeared from a Petition which he held in his hand respecting the Fleet prison, the prisoner consented to pay illegal fees to the gaoler or his agent. Thus was this petitioner treated, left without the means of even keeping body and soul together, with a view to extort illegal fees. Was it then, he would ask their lordships, to be endured, in this boasted country of liberty, justice, and humanity, that while felons—that while the most atrocious criminals were by law allowed bedding, clothing, fuel, and food, unfortunate debtors should be refused common sustenance? Was it possible that the House and the country could acquiesce in the longer continuance of such gross injustice and cruelty?—For himself, he had no difficulty in stating his full belief, that cases of greater oppression, than had occurred under the system of imprisonment for debt in England, had never been witnessed in any nation on earth. The humanity of that House and the country had revolted, and at length succeeded in abolishing the African Slave Trade, and that abolition was a glorious act. But this system of imprisonment for debt was aptly called, and justly to be considered, the English Slave Trade, for the abolition of which humanity and wisdom loudly called. Yes, the wisest and the most humane had long and unanswerably enforced the propriety of the abolition of that system, which had no precedent or parallel in any civilized country upon earth. The opinion and argument of Dr. Johnson upon this subject must be familiar to the recollection of their lordships; and in addition to various other high authorities, a distinguished writer had justly characterized this system as "a miserable mistaken invention of artificial science; operating to change a civil into a criminal judgment; and to scourge misfortune, or indiscretion, with a punishment which the law does not visit on the greatest crime."

The noble lord then briefly described the Petition to which he had referred at the outset, and which he moved to have read. It was accordingly read as follows:

"To the Lords Spiritual and Temporal of the United Kingdom of Great Britain and Ireland, in Parliament assembled, The Petition of William Wright;

"Sheweth; That your lordships' petitioner was arrested, on the 16th of June last, on mesne process, for the sum of only 14*l.* 12*s.*, and he subsequently surrendered to the Fleet prison, to save his bail from being charged with the debt.

"That near half of the said debt, for which your petitioner was arrested, had been owing under a statute of bankruptcy near two years before, and was consequently in no way recoverable by law, as petitioner had obtained his certificate; but, from a principle of integrity, he was induced to include it in the said sum of 14*l.* 12*s.*

"That your petitioner, soon after being committed to prison, was obliged, for subsistence, to sell his shop fixtures for 5*l.*, which shortly before cost upwards of 50*l.*; his household furniture having been previously seized for rent.

"That soon afterwards petitioner, together with his wife and child, two years old, was actually starving; being at times for whole days without a morsel of food; and having disposed of all their wearing apparel, without a change left, or even a bed to lie on, was obliged to apply for the allowance of 3*s.* 6*d.* a week, under an Act passed in the 53rd of the King, c. 113, intituled, 'An Act for providing relief for poor prisoners confined in the King's-bench, Fleet, and Marshalsea prisons,' which passed on the 10th of July, 1813; and on the 4th of August last, your petitioner made affidavit before a commissioner for obtaining said allowance, as directed by the Act.

"That your petitioner, immediately on making said affidavit, lodged it with Mr. Woodroffe, clerk of the said Fleet prison; but yet petitioner could not obtain the relief the law allowed; as illegal fees, not authorised by the act of parliament, were demanded of him; at first 6*s.* 8*d.* were demanded, and afterwards 4*s.* 6*d.*; but it was not in your petitioner's power to comply with either.

"That in consequence of your petitioner's not being able to pay either of said demands, his affidavit was not laid before the magistrate for nearly six weeks—namely, until the 15th of September following; during which time petitioner and his family were in the most deplorable state of misery, and would, in all probability, have fallen victims to absolute starvation, had it not been for your petitioner's having got a little credit from some of his fellow-prisoners, on the ground of his expectancy of said allowance.

"That one of your petitioner's fellow-prisoners had made a complaint to a member of your lordships' House on the subject of the fees, which had been illegally extorted from a great number of the prisoners; and the said peer transmitted the said complaint to the principal Secretary of State for the home department, who properly transmitted the same to the said Fleet prison; upon which the said illegal fees were refunded.

"That your petitioner applied to Mr. Woodroffe for his affidavit in order to send the same to a magistrate; but it was refused him; so that the officers of the prison neither sent said affidavit to the magistrate till as above stated, nor did they enable petitioner, by putting the affidavit into his hands, to send it to a magistrate himself.

"That, after your petitioner had regularly received the said allowance, the same was suddenly stopped for six weeks, previous to his discharge under the general Insolvent Act; though he still continued in the extreme of poverty and distress, and was not supersedable, nor entitled by law to be discharged under any Insolvent Act.

"That in consequence of your petitioner having been so reduced from absolute want and confinement, he was on the point of death, and would, as he verily believes, and has been informed by a medical gentleman who attended him, have perished during his confinement, had not the keeper of the prison, Mr. Nixon, permitted him to walk out into the rules; and that neither he nor his wife have ever since recovered their former health.

"That during his said miserable confinement, petitioner has witnessed several instances of persons who were nearly perishing from want; and that he was acquainted with a brother prisoner of the name of Teal, who lived for three whole days on six potatoes; and also that he knew several deaths in consequence of the effects of imprisonment, some in the prison, and some soon after the individuals departed from it.

"Wherefore your petitioner most earnestly beseeches your lordships to take such measures, as your wisdom shall deem advisable, to prevent such illegal oppressions as your petitioner has experienced; as well as to abolish by law the abominable practice of imprisonment for debt on mesne process; the dreadful consequences of which may not be fully known to your lordships' House, but are too woefully experienced, not only by the ruined debtor, but generally by the creditor himself.—And petitioner will pray,

"WILLIAM WRIGHT."

This Petition being ordered to lie on the table, the noble lord thought proper to advert to the Petitions which he had presented to their lordships on a former day. One of these petitioners, Mr. Baldwyn, had, it appeared, been eleven months in prison; although, at the close of that period, the court decided that he owed nothing. Yet, after that decision, Mr. Baldwyn was detained a fortnight before he could obtain his liberation. In another case, Mr. Manie was in custody for two months; although, upon reference to Mr. Justice Le Blanc, that judge declared that the affidavit upon which the prisoner had been arrested was defective. But many similar cases of injustice and oppression could be adduced, notwithstanding the prescriptions of Magna Charta and the Bill of Rights. The exactions practised in the prisons were, he understood, most severely oppressive upon unfortunate debtors; and in order to put the House in possession of the necessary information upon this subject, he should move for a return of the fees demanded or paid in the several prisons, since the 10th of July, 1811; stating the grounds upon which such fees were claimed; and also for copies of tables of fees, if any, posted up in the different prisons. By the Act of the 32nd of Geo. 2, c. 28, s. 5, it was directed, that the chief judges of the courts of King's-bench, the Common-pleas, and the Exchequer, together with three magistrates of Surrey and Middlesex, should arrange a table of the fees to be paid at the several prisons of the King's-bench, the Fleet, and the Marshalsea; and that similar tables should be settled at the several quarter sessions, for the different county prisons. It was also prescribed by the same Act, that such table of fees should be hung or posted up in the several prisons, so as to become fully known to the prisoners; and that no gaoler should, directly or indirectly, demand or accept any fees but such as were specifically allowed by such tables. Through his motion he proposed to ascertain, whether the direction of this statute was complied with at the Fleet, and also at the several other prisons. Here the noble lord referred to the legal and general information which he had obtained upon this important subject; especially to that contained in a letter with which he had been favoured by one of the most able lawyers in the country, respecting arrests upon mesne process; and also to the report of the committee of which that excellent man the present chief governor of India was president. Every one, indeed, who admired the genuine principles of our constitution, must view with regret and surprise the various infractions of it which characterized this system of arrest—a system which in fact gave birth to numerous glaring abuses, which were not only not authorised by law, but in most cases in direct violation of its spirit and character. Was it, for instance, consistent with the constitution of this country, that upon the mere asseveration of an individual, any British subject should be condemned to imprisonment without a trial—without the verdict of a jury? It was obviously the interest, as well as the duty, of every man in the country to consider this question; for it established a precedent incompatible with the character and dangerous to the existence of civil liberty. It was notorious, that any man arrested upon mesne process must, if he could not find bail, submit to imprisonment, and thus a creditor was enabled to gratify his revenge—thus a man was, contrary to the first principles of justice, made a judge in his own case. He was aware, that in actions of trover the amount of bail is at the discretion of a judge; and the rule upon this case arose out of an extraordinary event which occurred about five years ago. A swindler, who came to this country, personated the heir of an opulent family in the West Indies, and thus obtained credit. But having committed forgery he was arrested; and in order to embarrass his prosecutor, he (the swindler) had him arrested in trover for 20,000*l.* which he swore to be the value of a deed withheld from him by the prosecutor. The whole, however, turned out to be a trick, and the swindler was executed for the forgery. But from this case their lordships might form an opinion of the latitude which the law of arrest upon mesne process in this country afforded to vindictive and unprincipled individuals to oppress the innocent. In actions, in particular, for assault and battery, or slander, the operation of resentment and rancour was naturally to be calculated upon, and this law allowed but too large a scope for the gratification of these feelings. From the report already referred to, it appeared, that a plaintiff was not bound to deliver his declaration until the end of the next term after the writ is returnable; so that seven months might elapse before the plaintiff need apprise the defendant of the ground of action, and he might delay the trial of that action for five months afterwards. Thus an individual might be imprisoned for twelve months upon the mere oath of a plaintiff, without any trial or verdict, and if upon trial the verdict should be in favour of the defendant, he could have no recompence from the plaintiff but his taxed costs. In fact, the defendant in such a case had no remedy whatever, unless he could prove that the plaintiff, in arresting him, was actuated by malice, which in most cases would be impossible. But if a plaintiff should leave the country, if he should emigrate to America or elsewhere, and before his departure determine to wreak his vengeance upon any man or number of men, he might by his oath deprive such man or men of liberty,—and, if friendless, and unable to obtain bail, condemn him or them to several months' imprisonment, without any refuge or means of remedy whatever. Such were the cases which might occur—such the injustice and oppression to which people were exposed in this country, which boasted the honour of Magna Charta; and in this country, too, people were liable to be so imprisoned without clothing or bedding, or even medical assistance, except in some few prisons; while felons committed for crimes marked by the most cool and deliberate rancour, while the most atrocious offenders are supplied with all these accommodations; thus confounding the distinction which ought ever to prevail between misfortune and crime, between the casualty of distress and the turpitude of guilt.

The report before alluded to, the noble lord observed, had recommended, and very properly recommended, that where the defendant confessed a debt, further expence should be prevented; and what could be at once more absurd and unjust, than that proceedings should go on after such confession; that the expence of trial should be incurred where there was nothing to try; yet any rascally attorney, by the law as it now stood, was at liberty, after a defendant was committed to prison for 15*l*., to load him with the expence of trial, &c. with costs, in fact, exceeding far the original amount of the debt. Were such proceedings, he would ask, reconcilable in any degree with humanity and consistency? Such proceedings were, indeed, incompatible with the interests of both plaintiffs and defendants; and this was evident from the deposition of Mr. Nixon before the committee he had referred to. For Mr. Nixon deposed, that "the plaintiff and the defendant were often to be found in the same prison, the one for the debt, and the other for the costs"—some rascally attorney being the main cause of the oppression of both, after possessing himself of whatever property they possessed. Thus too often did these base lawyers exemplify the fable of La Fontaine respecting the oyster, where the lawyer is described as opening the oyster, swallowing the fish, and giving the shells to the plaintiff and defendant. In the same Report, the Treasurer of the Society for the Relief of Persons confined for Small Debts, deposed, that, to his knowledge, out of 520 prisoners confined for debt, 458 never paid either debt or costs; so that this abominable system, instead of serving, really injured those for whose advantage it was professedly maintained; the creditor ultimately becoming a debtor through the deficiency of the law and the knavery of the lawyers. But he had not yet finished the detail of a debtor's misfortune. In fact, exaction and oppression were his fate from the moment of his arrest. At the lock-up-house, to which he was first led, he could not subsist for less than eight or ten shillings a-day; and to this expenditure a poor debtor was compelled to submit, independent of all legal costs. Was it then too much to call such a system the English Slave Trade? Was not such a description fully justifiable? He hoped the noble and learned Chief Justice of the King's-bench would state what he could in justification of the attornies; for he was sure the noble and learned lord on the woolsack would not say one word in their favour. He also quoted that part of the Report which states two cases of poor persons, who, for bread and cheese and butter, to the amount of a few shillings, had been proceeded against; and by running up the costs above 10*l*. had been arrested, and had suffered long and severe imprisonment. The mode of drawing declarations, he considered as an invention to make money for lawyers. "My lords," said earl Stanhope, "I recollect a declaration about a tailor's bill; the charge was 100*l*. and how is the declaration framed? Why, my lords, there were eight counts, each of them stating a separate 100*l*. though the man owed only 100*l*. The first count is for work and labour, as a tailor; the second count is for the worth of certain other work and labour; the third count is for goods sold and delivered; the fourth count is for what certain goods sold and delivered were worth; the fifth count is for money lent and advanced (why there was no money advanced); the sixth count is for money had and received; the seventh count is for money paid, laid out, and expended, by plaintiff, for defendant's interest, (why my lords, in this case, there was no such thing, it is all false); and the eighth count is for the balance upon an account stated. Now, my lords, there was no balance due; nor was there any account between the parties. The whole of this declaration is idle and unnecessary, excepting the first count. The same mode is pursued in indictments upon penal actions. I recollect a limb of the law going from London into the country, and he shewed wonderful ability for getting money into his pocket. I did not know much then of indictments, declarations, or counts, but I know enough of them now—and I could sometimes give information to lawyers on the subject. My lords, down in Kent there is a little country village, called Chevening, and in that village there is a little cottage which belongs to myself; and a circumstance happened there about 30 years ago, which led me first to know something about counts. There was one of those strolling characters that go about the country, who came to this cottage; and putting his head within the door, staring round the place, and not perceiving any body, he thought proper to lay hold of a pair of leather breeches which were hanging up, and walked away with them.—(A laugh.)—This circumstance was soon known; and it made a great noise, as it was likely to do in a country village, and at length it attracted the notice of this man of ability in the law, who was there at the time, and who seemed determined to convince these villagers of his great sagacity; perhaps, he had a further object, that of getting some money from me upon the occasion. Presently, my lords, he set about drawing a declaration, with which he waited upon me to shew how well he could do it. Having stated the circumstances, he gave me this declaration to read; and I accordingly began to read with this same lawyer standing at my elbow; and then, for the first time, I acquired a knowledge of this wonderful science of declaration making. There were no less than twelve counts in this declaration about taking away the leather breeches. There was no force—no *vi et armis* in the business; for there was nobody belonging to the cottage at home when the breeches were taken away; I was therefore somewhat surprized to find it charged that the defendant had with guns, pikes, halberts, pistols, and a variety of other deadly weapons, broken open this cottage and taken away the leather breeches. This was the first count. On looking at the second, I found, that the defendant, not content with small arms, had attacked this cottage with cannons, cannon-balls, bombs, howitzers, and other similar arms, and taken away the leather breeches. In the third count, 100 horses, and 100 horsemen upon these 100 horses, had been brought into this village to storm the unfortunate cottage, and carry away the leather breeches: in short, out of the 12 counts, 11 were pure fictions, there being only one that bore the least resemblance to the truth. I naturally asked the lawyer, what was the meaning of these guns, pikes, pistols, &c. The lawyer, smiling at my ignorance, answered, "Oh, I see your lordship don't understand these matters; that is what we lawyers call a nullity." What do you mean by these cannons, bombs, &c.? That is likewise what we lawyers call a nullity. What do you mean by this troop of horse coming to carry away the leather breeches? That is what we lawyers call a nullity. In short, my lords, all were nullities except one; the stroller having quietly stolen away the breeches. But the system of fiction was most comprehensive in the practice of the lawyers. Their lordships must be surprised to learn, that the arrest upon mesne process arose entirely out of fiction; for the court from which the writ issued charged the defendant with being guilty of contempt in not appearing; and then upon the defendant denying the contempt, he is imprisoned for the denial; that is, he is punished for denying a falsehood. But the system of fiction was extended still farther. Originally, all civil actions were tried in the court of Common Pleas; but the court of King's Bench, in order to have a share of the good things belonging to such actions, contrived to bring them under its cognizance, by the fiction of charging the defendant with a breach of the peace, although the peace had not at all been violated; and the court of Exchequer, in order also to participate of the spoil, com trived to extend its jurisdiction to civil actions, by the fiction of charging the defendant with being a debtor to the king; assuming that by the debt the creditor was rendered unable to pay a debt to the king, although no such debt existed. But thus the fiction was extended, to extend the scandalous profit of lawyers, and with it the oppression of the people. Fiction, however, did not stop here; by an ancient statute, it was prescribed, that two housekeepers should become pledged to prosecute a civil action, with a view to give some security to the defendants. But how did the lawyers contrive to evade this provision?—Why, by introducing the two fictitious names of John Doe and Richard Roe. The whole system, however, relative to civil actions was defective—was fraudulent, affording a scope for the plundering practice of lawyers. The practice and conduct of many, indeed, were such as to render them objects of just and general apprehension; as strikingly appeared in the instance of the late alderman sir Brook Watson, who lost his leg while swimming in one of the American ports many years ago. The alderman was violently exclaiming one day against lawyers; a person, who heard him, asked the late alderman Wilkes the reason; when the latter said, "Don't you know that he has lost one of his legs already by a *shark*?" He trusted their lordships would bear feelingly in mind, what he regarded with pleasure and admiration, the excellent observation of Alexander, the present emperor of Russia, when he was told that strong institutions were necessary, he said, "strong but liberal institutions, conformable to the knowledge and improvement of the times." Such was what he (lord S.) wanted, and which he thought should be the ruling principle in actual legislation; and as to the grand consideration of reform, he trusted they would all remember what was admirably said by a noble member of that House (the earl of Moira), then absent; the saying was replete with wisdom and sagacity—"Better, my lords, that reform should begin at the head, than that it should begin at the tail!" He trusted their lordships would commence the work of reform in this the most improved nation of Europe. Their lordships had seen the consequence of a reform beginning with the tail. They had seen that it at first led to anarchy, and then to military despotism; and he hoped that they would learn a useful lesson from that impressive example. In that hope, he should move for leave to bring in a Bill to abolish for ever the present unjust and oppressive system of arrest upon mesne process. Here the noble lord read the Bill he proposed to bring forward; the main object of which was to prevent the actual committal of any defendant until judgment be had—until by the verdict of a jury the existence of a debt is pronounced—the noble lord disclaiming any intention to shield fraudulent debtors, or to interfere with the rights of *bonâ fide* creditors.

The Bill was then presented, read a first time, and ordered to be printed.

His lordship then presented another Bill relative to the same subject. By an Act of the 51st of his present Majesty, provision was made against arrestments for debts which did not amount to 15*l.* independent of costs. He had consulted three lawyers on this Act. One said, it was so obscure that he could give no opinion as to what it meant. Another said, that the Act extended generally to all debts; and a third thought it was confined to arrestments for debts on mesne process, and such was his (lord Stanhope's) opinion. But as there was no reason why this should not be extended to other debts, his Bill had for its object to remedy this defect. Many of the persons exposed to these evils were among the most respectable in society, reduced to distress by mere misfortune. Many of them were clergymen; and he called on the bench of bishops to assist their brethren. Many of them were officers of the army and navy; and he called upon such of their lordships as were officers of the army and navy to assist their brethren. And lastly, he called upon their lordships, generally, to attend to the public interest in this essential particular. He proposed to enact, that no person should be imprisoned for any sum under 15*l.*; and that costs accruing in any legal proceedings should not be included in such sum.

This Bill was also read a first time; and before moving that it should be printed, his lordship made some further observations upon the subject, and suggested that it would be expedient for the House to have three assessors; one conversant with the practice in Chancery; one a good common lawyer, and acquainted with all the technicalities of the common law; and the other well acquainted with the law merchant. These gentlemen might be employed during the recess in reducing into a system the various enactments on the statute-book, on any given subject. The bankrupt laws, for instance, might be thus compressed into a practicable system; and the confusion in the statute-book might be in time wholly remedied. It ought also to be done with respect to many others. He would rather pay 500*l.* a year himself than that it should not be done; and others, who were richer, would be ashamed at not coming forward. But it was not the business of individuals; it was that of the public. He had on a former occasion stated, that a certain sort of credit was mischievous. To persons in fixed situations it might be beneficial to give credit sometimes; but with respect to birds of passage, this was not the case; and in truth, they only got credit from the circumstance, that a trader knew that if they did not pay, he could lay them by the heels. These Bills would, therefore, check the practice of swindling. There was a fellow now going about, stating that he was his (lord Stanhope's) nephew, whereas he had no nephew. "I," said the noble earl, "never had a brother but one, and he died without issue; and I never had a sister; and therefore, could have no nephew. I suppose some fine females may next go about and say they are my nieces; but I hope the milliners and mantua-makers will not trust them." In concluding his observations, the noble earl said, "If these Bills pass, I have no doubt that all the swindlers and rogues will meet in one of the larger squares, and hang up the effigy of your humble servant."

Ordered, that the Bills be printed.

Continental Treaties.] The Earl of Liverpool, by command of his royal highness the Prince Regent, presented copies of the Treaty between his Britannic Majesty and the emperor of Austria, concluded at Chaumont, on the 3d of March last. Also, copies of the Treaties entered into with Russia and Prussia at the same place. And likewise, a copy of the Convention agreed upon between his Majesty and the French government, at Paris; which were ordered to lie on the table.

After a few words interchanged between his lordship and earl Grey, across the table, in an under tone of voice,

The latter moved for the production of an account of all sums advanced by his Majesty's government to his Swedish majesty, in compliance with the articles of the Treaty of Concert and Subsidy, concluded at Stockholm on the 3d March, 1813. Also, for an account of the number of troops employed by his Swedish majesty, as his contingent under the said treaty. And thirdly, for the statement of the date, when the island of Guadaloupe was surrendered by his Majesty to Sweden, and the date when it was taken possession of by his Swedish majesty. The noble earl also moved for a copy of all orders issued from the board of Admiralty, respecting the blockade of the ports of Norway.

These documents were respectively ordered to be laid before the House.

Earl *Grey* said, it would be proper that a day should be fixed for the general discussion of the subject to which these doments referred. With the leave of the House, he would propose Tuesday the 10th inst., and for which day he moved that the Lords be summoned; which was ordered accordingly.

HOUSE OF COMMONS.

Monday, May 2.

Cambridge Canal.] On the question, that the Report of the Committee be received,

Mr. *Brand* rose and observed, that, according to the standing order of the House, new notices ought to have been given to those individuals who had signified their consent to the cutting of this canal. The present was a Bill to amend a former Bill passed in the last session; but the amendments were of a description that wholly altered the original Act. It totally changed and varied the line of the canal; and it became a question for consideration, whether those who had assented to the first plan, were bound to consent to the second; he should therefore move, that the Report be received this day six months.

After a few words from Mr. Western and Mr. Harvey,

The *Speaker* observed, that the question which had been raised by the hon. member was one important to the safety of their own proceedings, and the interests of private property; and he therefore wished the attention of the House to be particularly given to it. Here was a Bill, founded upon one that had passed last session, but essentially changing its object and character, and which assumed as a principle, that the parties interested in the first were formally bound to consent to the present, though avowedly producing an opposite result from that to which they had originally assented, He could not better illustrate his own conception of the case, than by supposing a canal to be cut, one end of which should terminate at a coal-pit, and the other at a chalk-pit: the persons interested in this undertaking consent to it; but if, afterwards, it were resolved to stop short, and to carry the canal neither to the coal-pit nor the chalk-pit, but only through an intermediate space, it could hardly be assumed, that the parties who had in the first instance agreed to the plan were also consenting to the alteration, when it accomplished neither of the purposes they might be supposed to have in view. Something analogous to this he conceived the present question to be; and it was for the House to consider how they would dispose of it.

Mr. *Yorke* said, the House was not correctly in possession of the object of the amended Bill. Its object was, to proceed immediately with part of the work; but it by no means implied that the whole line of canal would not be subsequently cut.

After a few words from Mr. Brand, Mr. S. Lefevre and general Manners,

The *Speaker* suggested, that the better way would be to let the Bill proceed through its present stage, and postpone the third reading for eight or ten days; to give the parties time to petition upon the question of the standing order. This proposition was acceded to by Mr. Brand.

RAMSGATE HARBOUR BILL.] Sir W. Curtis moved the second reading of this Bill.

Sir *C. Monck* wished the hon. baronet had explained the nature and extent of the duties to be paid by vessels, according to this Bill; and how far they were different from those already levied by former Acts.

Sir *W. Curtis* observed, in reply, that there was no port from Portsmouth to London where ships could enter, except Ramsgate; it was but fair, therefore, that they should pay towards defraying the expences incident to keeping the harbour in a safe and good state.

The House divided upon the second reading; and it was thrown out by a majority of 14; there being 16 for, and 30 against.

TREATIES WITH THE ALLIES.] The *Chancellor of the Exchequer* presented at the bar copies of the Treaties signed on the 1st of March last, between this country and Austria, Russia, and Prussia; and also a copy of the Convention for the Cessation of Hostilities between England and France, signed at Paris on the 23d of April. Having moved that they should lie upon the table; he observed, that nothing more would be necessary at present, than to observe, that the consideration of the Convention, and of the Subsidiary Treaties, would take place in a Committee of Supply.

Mr. *Whitbread* enquired whether the right hon. gentleman and his colleagues had come to a determination not to submit to the House those papers relative to the negociation at Chatillon, which were prepared for it, but which, in consequence of the subsequent extraordinary events in Europe, they had deemed it proper to withhold. He did not see how it would be possible to consider the Treaties now laid before them, without the communication of those antecedent documents.

The *Chancellor of the Exchequer* said, he was not aware, that it was the intention of government to submit those papers to the House; but, at a future period, when the subsidies themselves were under their consideration, it would be competent for any member to move for their production.

Mr. *Whitbread.*—Then it is determined upon, that they shall be refused?

The *Chancellor of the Exchequer* replied, that he was not prepared to signify that they would be refused.

Mr. *Whitbread* wished to ask another question, whether any advances of money had been made to any or all of the Allied Powers, subsequent to, and in consequence of, the Treaties that were signed? He did not mean to imply, that any advances so made would have been improper; but he wished to know the fact.

The *Chancellor of the Exchequer* answered, that to some of the Allied Powers advances had been given out of the provision which had been made at the conclusion of the last session, for the general purpose of assisting the Allies.

Mr. *Whitbread.* Have any advances been made subsequent to the signing of the treaties at Chaumont?

The *Chancellor of the Exchequer.*—Some advances have been made subsequent to the signing of the treaties at Chaumont.

The following is a Copy of the Treaty between GREAT BRITAIN and AUSTRIA:

A Treaty of Union, Concert, and Subsidy, between his BRITANNIC MAJESTY and his Imperial and Royal Apostolic Majesty the EMPEROR of AUSTRIA. Signed at Chaumont, the 1st of March 1814.

In the Name of the Most Holy and Undivided Trinity.—His Majesty the King of the United Kingdom of Great Britain and Ireland, his Imperial and Royal Apostolic Majesty the Emperor of Austria, King of Hungary and Bohemia, his Majesty the Emperor of all the Russias, and his Majesty the King of Prussia, having transmitted to the French government proposals for concluding a general peace, and being desirous, should France refuse the conditions therein contained, to draw closer the ties which unite them for the vigorous prosecution of a war undertaken for the salutary purpose of putting an end to the miseries of Europe, of securing its future repose, by re-establishing a just balance of power, and being at the same time desirous, should the Almighty bless their pacific intentions, to fix the means of maintaining, against every attempt, the order of things which shall have been the happy consequence of their efforts, have agreed to sanction, by a solemn treaty, signed separately by each of the four powers with the three others, this twofold engagement.

In consequence, his Majesty the King of the United Kingdom of Great Britain and Ireland has named to discuss, settle, and sign the conditions of the present Treaty, with his Imperial and Royal Apostolic Majesty, the right honourable Robert Stewart, Viscount Castlereagh, one of his said Majesty's most Honourable Privy Council, Member of Parliament, Colonel of the Londonderry Regiment of Militia, and his Principal Secretary of State for Foreign Affairs, &c. &c. &c. and his Imperial and Royal Apostolic Majesty having named, on his part, the Sieur Clement Wenceslaus Lothaire Prince Metternich Winneburgh Ochsenhausen, Knight of the Golden Fleece, Grand Cross of the Order of St. Stephen, Knight of the Russian Orders of St. Andrew, of St. Alexander Newsky, and of St. Anne of the First Class, Knight of the Prussian Orders of the Black and Red Eagles, Grand Cross of the Order of St. Joseph of Wurtzburgh, Knight of the Order of St. Hubert of Bavaria, of the Golden Eagle of Wurtemburgh, and of several others, his Chamberlain, Privy Councillor, Minister of State, of Conferences, and of Foreign Affairs.—The said Plenipotentiaries, after having exchanged their full powers, found to be in due and proper form, have agreed upon the following Articles:

Art. I. The High Contracting Powers above-named solemnly engage by the present Treaty, and in the event of France refusing to accede to the conditions of peace now proposed, to apply all the means of their respective states to the vigorous prosecution of the war against that power, and to employ them in perfect concert, in order to obtain for themselves and for Europe a general peace, under the protection of which the rights and liberties of all nations may be established and secured.

This engagement shall in no respect affect the stipulations which the several powers have already contracted relative to the number of troops to be kept against the enemy; and it is understood, that the courts of England, Austria, Russia, and Prussia, engage by the present Treaty to keep in the field, each of them, one hundred and fifty thousand effective men, exclusive of garrisons, to be employed in active service against the common enemy.

Art. II. The High Contracting Parties reciprocally engage not to negociate separately with the common enemy, nor to sign peace, truce, nor convention, but with common consent. They moreover engage not to lay down their arms until the object of the war, mutually understood and agreed upon, shall have been attained.

Art. III. In order to contribute in the most prompt and decisive manner to fulfil this great object, his Britannic Majesty engages to furnish a subsidy of five millions sterling for the service of the year 1814, to be divided in equal proportions amongst the three powers: and his said Majesty promises moreover to arrange, before the 1st of January in each year, with their Imperial and Royal Majesties, the further succours to be furnished during the subsequent year, if (which God forbid!) the war should so long continue. The subsidy above stipulated, of five millions sterling, shall be paid in London, by monthly instalments, and in equal proportions, to the ministers of the respective powers duly authorised to receive th same. In case peace should be signed between the Allied Powers and France before the expiration of the year, the subsidy, calculated upon the scale of five millions sterling, shall be paid up to the end of the month in which the definitive treaty shall have been signed; and his Britannic Majesty promises, in addition, to pay to Austria and to Prussia two months, and to Russia four months, over and above the stipulated subsidy, to cover the expences of the return of their troops within their own frontiers.

Art. IV. The High Contracting Parties will be entitled respectively to accredit to the generals commanding their armies, officers, who will be allowed to correspond with their governments, for the purpose of informing them of the military events, and of every thing which relates to the operations of the armies.

Art. V. The High Contracting Powers reserving to themselves to concert together, on the conclusion of a peace with France, as to the means best adapted to guarantee to Europe and to themselves reciprocally the continuance of the peace, have also determined to enter, without delay, into defensive engagements for the protection of their respective states in Europe against every attempt which France might make to infringe the order of things resulting from such pacification.

Art. VI. To effect this they agree, that in the event of one of the High Contracting Parties being threatened with an attack on the part of France, the others shall employ their most strenuous efforts to prevent it, by friendly interposition.

Art. VII. In the case of these endeavours proving ineffectual, the High Contracting Parties promise to come to the immediate assistance of the power attacked, each with a body of sixty thousand men.

Art. VIII. Such auxiliary corps shall respectively consist of fifty thousand infantry and ten thousand cavalry, with a train of artillery, and ammunition in proportion to the number of troops: the auxiliary corps shall be ready to take the field in the most effective manner, for the safety of the power attacked or threatened, within two months at latest after the requisition shall have been made.

Art. IX. As the situation of the seat of war, or other circumstances, might render it difficult for Great Britain to furnish the stipulated succours in English troops within the term prescribed, and to maintain the same on a war establishment, his Britannic Majesty reserves the right of furnishing his contingent to the requiring power in foreign troops in his pay, or to pay annually to that power a sum of money, at the rate of twenty pounds sterling per each man for infantry, and of thirty pounds sterling for cavalry, until the stipulated succour shall be complete.

The mode of furnishing this succour by Great Britain shall be settled amicably, in each particular case, between his Britannic Majesty and the power threatened, or attacked, as soon as the requisition shall be made; the same principle shall be adopted with regard to the forces which his Britannic Majesty engages to furnish by the first article of the present Treaty.

Art. X. The auxiliary army shall be under the orders of the commander in chief of the army of the requiring power; it shall be commanded by its own general, and employed in all military operations according to the rules of war. The pay of the auxiliary army shall be defrayed by the requiring power; the rations and portions of provisions and forage, &c. as well as quarters, shall be furnished by the requiring power as soon as the auxiliary army shall have passed its own frontier; and that upon the same footing as the said power maintains, or shall maintain, its own troops in the field or in quarters.

Art. XI. The discipline and administration of the troops shall solely depend upon their own commander; they shall not be separated. The trophies and booty taken from the enemy shall belong to the troops who take them.

Art. XII. Whenever the amount of the stipulated succours shall be found inadequate to the exigency of the case, the High Contracting Parties reserve to themselves to make, without loss of time, an ulterior arrangement as to the additional succours which it may be deemed necessary to furnish.

Art. XIII. The High Contracting Parties mutually promise, that in case they shall be reciprocally engaged in hostilities, in consequence of furnishing the stipulated succours, the party requiring and the parties called upon, and acting as auxiliaries in the war, shall not make peace but by common consent.

Art. XIV. The engagements contracted by the present Treaty, shall not prejudice those which the High Contracting Parties may have entered into with other powers, nor prevent them from forming new engagements, with other states, with a view of obtaining the same salutary result.

Art. XV. In order to render more effectual the defensive engagements above stipulated, by uniting for their common defence the powers the most exposed to a French invasion, the High Contracting Parties engage to invite those powers to accede to the present Treaty of defensive alliance.

Art. XVI. The present Treaty of defensive alliance having for its object to maintain the equilibrium of Europe, to secure the repose and independence of its states, and to prevent the invasions which during so many years have desolated the world, the High Contracting Parties have agreed to extend the duration of it to twenty years, to take date from the day of its signature; and they reserve to themselves, to concert upon its ulterior prolongation, three years before its expiration, should circumstances require it.

Art. XVII. The present Treaty shall be ratified, and the ratification exchanged within two months or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and affixed thereto the seal of their arms.

Done at Chaumont this first day of March in the year of our Lord one thousand eight hundred and fourteen.

Castlereagh.
Clement Wenceslaus Lothaire,
Prince of Metternich.

[The Treaties between Great Britain and Russia and Prussia are couched in exactly the same terms as the above. They are therefore not inserted.]

Convention for a Suspension of Hostilities with France.—Signed at Paris, the 23d of April 1814.

In the Name of the Most Holy and Undivided Trinity.—The Allied Powers, anxious to terminate the misfortunes of Europe, and to lay the foundation of its repose on a just division of power between the states of which it is composed; desirous of affording to France, (now that she is reinstated under a government whose principles offer the necessary guarantees for the maintenance of peace), proofs of their disposition to place themselves in the relations of friendship with her; and wishing at the same time that France should enjoy the blessings of peace as much as possible, even before the whole of their arrangements can be completed, have resolved to proceed, conjointly with his Royal Highness Monsieur, Son of France, Brother of the King, Lieutenant General of the Kingdom of France, to a suspension of hostilities between their respective forces, and to the re-establishment of the relations of friendship which formerly subsisted between them.

His Majesty the King of the United Kingdom of Great Britain and Ireland, for himself and his Allies on the one part, and his Royal Highness Monsieur, brother of the Most Christian King, Lieutenant-General of the Kingdom of France, on the other part, have, in consequence, named plenipotentiaries to agree to an act, which, without prejudging the terms of Peace, contains stipulations for a suspension of hostilities, and which shall be succeeded, as soon as may be, by a Treaty of Peace; to wit:—His Majesty the King of the United Kingdom of Great Britain and Ireland, the right hon. Robert Stewart Viscount Castlereagh, one of his Majesty's Most Honourable Privy Council, a Member of Parliament, Colonel of the Londonderry regiment of Militia, and his principal Secretary of State for Foreign Affairs; and his Royal Highness Monsieur, Brother of the King, Lieutenant-General of the kingdom of France, Le Sieur Charles Maurice de Talleyrand Perigord, Prince of Benevento, Grand Eagle of the Legion of Honour, Grand Cross of the Order of St. Stephen, of the Orders of St. Andrew, St. Alexander Newsky, and of St. Anne of Russia, of the Orders of the Black Eagle and the Red Eagle of Prussia, Senator and President of the Provisional Government; who, after the exchange of their full powers, have agreed to the following Articles:

Article I. All hostilities by land and sea are, and shall remain, suspended between the Allied Powers and France, that is to say:—for the land forces, as soon as the commanding officers of the French armies and fortified places shall have signified to the allied troops opposed to them, that they have recognized the authority of the Lieutenant General of the kingdom of France; and in like manner upon the sea, as far as regards maritime places and stations, as soon as the shipping and ports of the kingdom of France, or those occupied by French forces shall have manifested the same submission.

Article II. For the purpose of effecting the re-establishment of the relations of friendship between the Allied Powers and France, and to afford to the latter beforehand, as much as possible, the enjoyment of the blessings of peace, the Allied Powers will cause their armies to evacuate the French territory, as it existed on the 1st of January 1792, upon condition that the places still in the possession of the French armies beyond those limits, shall be evacuated and delivered up to the Allies.

Art. III. The Lieutenant-General of the kingdom of France will accordingly instruct the commandants of those places to deliver them up in the following manner, viz. The places situated upon the Rhine, not comprehended within the limits of France on the 1st of January, 1792, and those between the Rhine and the said limits, in the space of ten days, to be calculated from the day of the signature of the present act; the places in Piedmont and in other parts of Italy which belonged to France, in fifteen days; those in Spain in twenty days; and all other places occupied by French troops, without exception, in such manner, as that they shall be entirely delivered up by the 1st of June next. The garrisons of such places shall depart with their arms and baggage, and with the private property of the military, and of the civil agents of every description. They shall be allowed to take with them field artillery in the proportion of three pieces to each one thousand men, the sick and wounded therein comprised.

The property of the fortresses, and every thing which is not private property shall remain untouched, and shall be given over in full to the Allies without any thing being removed. In the property are comprised not only the depôts of artillery and ammunition, but also all other supplies of every description, as well as the archives, inventories, plans, maps, models, &c.

Immediately after the signature of the present Convention, commissaries on the part of the Allied Powers and of France shall be named and dispatched to the fortresses, in order to ascertain the state in which they are, and to regulate together the execution of this article.

The garrisons shall be regulated in their return to France according to the magazines upon the different lines which shall be agreed upon. The blockades of fortified places in France shall be raised immediately by the allied armies.

The French troops making a part of the army of Italy, or occupying the fortified places in that country or in the Mediterranean, shall be recalled immediately by his royal highness the Lieutenant-General of the kingdom.

Article IV. The stipulations of the preceding article shall be equally applied to maritime fortresses, the Contracting Powers reserving, however, to themselves to regulate in the Definitive Treaty of Peace, the fate of the arsenals, vessels of war, armed and unarmed, which are in those places.

Article V. The fleets and ships of France shall remain in their respective situations, vessels only charged with particular missions shall be allowed to sail, but the immediate effect of the present act in respect to the French ports, shall be the raising of all blockade by land or sea, the liberty of fishing, that of the coasting trade, particularly of that which is necessary for supplying Paris with provisions; and the re-establishment of the relations of commerce conformably to the internal regulations of each country; and the immediate effect in respect to the interior shall be the free provisioning of the cities, and the free passage of all means of military or commercial transport.

Article VI. In order to anticipate every subject of complaint and dispute which may arise respecting the captures which might be made at sea after the signature of the present Convention, it is reciprocally agreed that vessels and effects which may be taken in the Channel, and in the North Seas, after the space of twelve days, to reckon from the exchange of the ratifications of the present act, shall be restored on both sides, that the term shall be one month within the Channel and North Seas to the Canary Islands and to the Equator, and five months in every other part of the world, without any exception or other particular distinction of time, or of place.

Article VII. On both sides, the prisoners, officers and soldiers, of land or sea, or of any other description whatever, and particularly hostages, shall be immediately sent back to their respective countries, without ransom and without exchange. Commissaries shall be named reciprocally in order to carry this general liberation into effect.

Article VIII. The administration of the departments or cities actually occupied by the forces of the co-belligerents shall be given over to the magistrates named by His Royal Highness the Lieutenant-Ge neral of the kingdom of France. The Royal Authorities shall provide for the subsistence and wants of the troops to the moment when they shall evacuate the French territory, the Allied Powers wishing as an act of friendship towards France, to discontinue the military requisitions, as soon as the restoration of the legitimate authority shall have been effected. Every thing which relates to the execution of this article shall be regulated by a particular Convention.

Article IX. A mutual understanding shall take place respecting the terms of the second article, as to the routes which the troops of the Allied Powers shall follow in their march, in order to prepare the means of subsistance, and commissaries shall be named to regulate all matters of detail, and to accompany the troops till the moment of their quitting the French territory.

In testimony of which the respective Plenipotentiaries have signed the present Convention, and affixed thereto the seals of their arms.

Done at Paris, the 23d day of April in the year of our Lord, 1814.

Castlereagh,
Le Prince de Benevento.

Additional Article.

The term of ten days, agreed on in virtue of the stipulations of the Third Article of the Convention of this day for the evacuation of the fortified places upon the Rhine, and between that river and the ancient frontiers of France, is extended to the fortified places and military establishments of whatsoever description in the United Provinces of the United States.

The present additional article shall have the same force and validity, as if it were word for word inserted in the Convention of this day.

In testimony of which the respective Plenipotentiaries have signed it, and affixed thereto the seals of their arms.

Done in Paris, the 23rd day of April in the year of our Lord, 1814.

Castlereagh.
Le Prince de Benevento.

Norway.] Mr. *C. W. Wynn* rose to move for some papers respecting the situation of Norway, to the production of which he understood there would be no objection. The hon. gentleman then moved, that there should be laid before the House,

"An account of all sums of money paid to the government of Sweden, in consequence of the Treaty entered into between that country and this, signed March 3, 1813.—An account of the number of troops employed by the government of Sweden in the late campaign, in conformity with its engagements with this country, so far as the same can be ascertained from official documents;—The date of the surrender of the island of Guadaloupe by this country, and of the occupation thereof by the king of Sweden; and, Copies of all orders issued from the Admiralty, for the blockade of the coast of Norway."

In submitting this motion to the House, he wished to ask, whether any negociation respecting Norway was now going on; or whether, from the hostile measure of starving them into a compliance with the demands of Sweden, which had been adopted, there was no room left for negociation?—In the union which was proposed between Norway and Sweden, it was stated that it should take place with every regard to the happiness of the people of Norway; and the first fruits of this was the system of starvation to which he had alluded. He had further to ask, why the treaty of peace with Denmark had not been produced?

On the question being put from the chair,

Mr. *Horner* observed, addressing himself to the Chancellor of the Exchequer, that he had a few evenings since asked, whether his Majesty's government had, in the general order for the release of prisoners of war in this country, made any distinction with regard to the Danish prisoners? The right hon. gentleman (the Chancellor of the Exchequer) then said, he did not know of any such distinction; and, indeed, as he (Mr. Horner) understood we were in relations of peace with the crown of Denmark, he was not disposed to believe that such a distinction had existed. He had since, however, received an assurance, that an order had been issued by the Transport Board to detain the Danish prisoners of war. This was a subject on which he thought the House of Commons ought not to be left in doubt; he trusted, therefore, that the right hon. gentleman would now answer, whether such really was the case or not?

The *Chancellor of the Exchequer* said, that with respect to the motion of the hon. gentleman (Mr. C. W. Wynn), he was not aware of any objection to the production of the information he required, as far as it could be given from official documents. As to the question, whether any negociations were now going on with respect to Norway, he had no difficulty in saying that such negociations were pending.—With respect to the non-production of the Treaty of Peace with Denmark, he begged to observe, that before it could with propriety be laid before the House, it should be regularly exchanged with that court. This had not yet been done; but as soon as it had, that Treaty would be added to the other documents on the table of the House. He had only to add, what he had before stated, that he knew of no distinction between the Danish and other prisoners of war; except that he understood a gentleman had arrived upon that subject from the Danish government; in consequence of whose interference some little delay had taken place: but he knew of no other cause of detention.

Mr. *Whitbread* said, he was happy to hear from the right hon. gentleman that negociations were still carrying on respecting Norway. He was happy, not for Norway as a power, but for Norway as a people. The case of Norway, he believed, was not much understood in this country; it was one, however, worthy of the most serious and solemn consideration. They had been told, that the ratifications of the Treaty between England and Denmark had not yet been exchanged; but they had not been told why. For himself, he found it difficult to imagine a reason, when he reflected on the distance between the two countries. Not only, however, were the ratifications unexchanged, but the treaty had not even found its way into the usual channels of intelligence in this country—he meant the daily journals. He had himself been utterly ignorant of its stipulations, till very lately, that a copy of it passed into his hands; and upon examining them, he found the second article provided that "all prisoners of war should be given up, *en masse*, immediately after the ratification." Here then was the proper explanation, which the right hon. gentleman might have given in reply to the question that had been put respecting the Danish prisoners; but, instead of this, they were told that a person had arrived from Denmark, with powers to concert the return of those prisoners. Were they to understand, that a sort of Veto had been put upon the exchange of them by the court of Denmark; or, was there to be a distinction made between Danish and Norwegian prisoners, and was the commissary come over to separate the one from the other? By another article of the Treaty it was stipulated, that recourse was not to be had to force, for effecting the annexation of Norway to Sweden, unless the court of Denmark should not join the northern alliance. Really, therefore, looking at the present situation of things, at a moment when we are applauding the magnanimity of the allied powers in every other transaction, and when we are rejoicing in the effects of that wise, moderate and liberal policy, which they have adopted, it is melancholy to think that so bright a scene should be clouded, that the lustre of such achievements should be tarnished by a spot like this: that we should be engaged to starve a nation into submission to Sweden, whom, as a people, they detest, and whom they are resolved to resist to the last extremity. If, according to the Treaty between this country and Sweden, we are bound to accomplish the cession of Norway, and if the Norwegians must be transferred like sheep from one master to another; surely, by the official and solemn surrender made by the Danish government, that end had been accomplished, and they had now, in fact, become the subjects of Sweden. The question then resolved itself into this: whether the House would sanction the government of this country in aiding Sweden to starve a people into submission to her power and rule; they having, in fact, been transferred, as far as it was in the power of Denmark to make the transfer. When all the papers that would be moved for should be laid before them, it would be seen, whether the stipulations entered into by Sweden had been so performed by her as to call upon England for what she was now doing, in co-operating to produce a measure so detestable. He should be most happy to learn, that the negociations now pending had rendered it unnecessary. When the Swedish commissioners entered Norway, their first demand was, that the arms, ammunition, and fortresses of the Norwegians should be surrendered. This demand was instantly resisted. He knew it had been said, that this resistance was the act of a single individual, who was intriguing to secure the possession of Norway to himself; but that the people of Norway were universally desirous of being incorporated with Sweden, and taken under her protection. From all the inquiry, however, that he had made, and from all the information produced by that inquiry, the inhabitants of Norway, a patient, brave, and enterprising people, were resolved, as one man, to sacrifice their lives in the struggle, rather than submit. This sentiment pervaded every part of the country, from north to south, and the peasantry had already armed, and were suffering the most dreadful privations. In fact, the voluntary sacrifices of the peasants at this time were astonishing, and scarcely credible—they subsisted upon dirt, and such things as every other human creature would revolt at; and were determined that Norway should become a desart, ere they would submit to the Swedish yoke. And under whose auspices was all this carried on? Under those of a great captain, who had been elected to the high situation which he occupied; and who, having thus owed his elevation to the choice of a people, entered into a compact with other nations to deliver to him another people who had no choice with respect to their government. He hoped, for the sake of humanity, for the sake of that great person who had achieved so much for the deliverance of Europe, for the honour of this country, for the honour of government, whose steps with respect to foreign relations he had from a certain period been most happy to applaud, that ministers would be able to extricate themselves from the difficulties in which they seemed involved on the subject; and if not, he hoped he should be able to persuade the House of Commons, on an examination and comparison of the stipulations of the different treaties, that the government and the country were in no way bound to be the abettors of this most disgraceful attempt. At present, he would not further trouble the House. He should be very glad to hear from the right hon. gentleman, why the Danish Treaty had not been ratified, and whether any commissioner had been sent from Denmark to make a selection between the Danish and Norwegian prisoners, in order that the one might be retained and the other set at liberty. Before he sat down he begged to recall the attention of the House to the debate on the Swedish Treaty last year; in the course of which a right hon. gentleman, whom he did not then see in his place, asked, whether the terms of it were to be interpreted into a guarantee of the possession of Norway to Sweden? The answer was, No; and more than that, a noble lord, in a remarkable mode of expression, observed, that the right hon. gentleman who put the question ought to be better disciplined in diplomatic terms, than to suppose that the Treaty could be interpreted into such a guarantee. The fact was, that no tie existed by which the country was bound, or which called upon the House to sanction, the publication in the Gazette of Saturday last.

The *Chancellor of the Exchequer* observed, that it could not be expected he should be prepared to answer all the questions that had been put to him. With respect to the Treaty with Sweden, it was one which last year had received the approbation of parliament. The House would recollect, that the Treaty between Russia and Sweden was the key-stone of that glorious confederacy by which such signal benefits to Europe had been achieved. For our part, we had done nothing in the course of the whole of the proceedings, but in the strictest concert with our allies, and which we had not been unanimously called on by them to do. It was perfectly true, that we had not engaged to guarantee Norway to Sweden, after the cession of it by Denmark; but that cession had not taken place. It would be improper for him to go more particularly into this subject at present; but he desired that the House would suspend their judgment upon it, until the whole case came before them. The hon. gentleman opposite had been greatly misinformed. It was by no means true, that from one end of Norway to the other there existed a spirit of resistance to the Swedish government. It was equally unfounded, that no liberal offer had been made to Norway on her annexation to Sweden. On the contrary, a more generous offer had been made than in any other case of cession that had occurred in the history of the world. With respect to the causes that had led to the rejection of this offer, the present was not the proper time to communicate them to parliament. As to the Danish commissioners, he was not aware that any officer from Denmark, with such an object as that ascribed to him, was in the country.

Mr. *Whitbread* asked, whether the offer of a constitution, or of a participation in the Swedish constitution (which the right hon. gentleman had chosen to characterise as the most liberal offer that had ever been made to a nation in the history of the world) was not preceded by a demand to the Norwegians to deliver up their fortresses and arms? He would also ask, if in a country possessed of not more than 7 or 800,000, or at most under a million of inhabitants, 30 or 40,000 persons were not actually embodied to resist the annexation of Norway to Sweden?

No answer was returned.

Slave Trade.] Mr. *Wilberforce* said, that in rising to make the motion which he now intended to propose, he felt gratified in reflecting that it would not be necessary to take up the time of the House, by detailing, at any length, those considerations which rendered such a step advisable. The House had already recognized and acted upon them in 1806 and 1810, when they consented to an address to the throne, similar, in effect, to what he now wished them to adopt. It was impossible for any one to open his eyes, and look abroad upon the world, without feeling that there never was a period when the general circumstances of all nations were more favourable to such a motion than the present, and when there existed such powerful motives for them to accede to its object. It was something to have an occasion like this presented, when all the great powers of Europe were assembled in congress to consider and discuss the very elements, as it were, of their own political rights; it was something to have such a moment presented for urging the consideration of the wrongs of Africa. When, indeed, he reflected upon these circumstances, and when he recalled to memory that extraordinary succession of providential events which had placed the world in its present state of hope and security, he could not but contemplate in them the hand of the Almighty stretched out for the deliverance of mankind. And what more acceptable token of gratitude could be displayed towards heaven—what more acceptable proof of our delight and thankfulness for such mercies, than a measure like the one he now meant to propose? It might truly be said, that the great continental powers had been acting in its very spirit and effect; and when, too, were considered the provocations that all of them had received, and some in particular, and the glorious revenge they had taken, saving from ruin instead of inflicting it; the recognition of the principles he was about to recommend was so plain, that it afforded a sure ground and confident hope that they would be acknowledged, in all which he now wished to obtain, as a sequel merely of what they had so nobly begun. There was but one objection that he had ever heard made against the proceeding he meant to recommend; and that was, when he had been talking of the continental powers acceding immediately to a general abolition of the slave trade, the reply had been, why we ourselves did not abolish it till after eighteen or nineteen years of enquiry, and how can we expect that they should do it precipitately? But this was not the fact. When the features of that trade were truly developed, when its character was fully known, when its effects were thoroughly understood, we got rid of it directly. It was on its trial during that time, and its sentence followed immediately upon conviction. When the whole system was unfolded, every one acknowledged that we were bound to abolish it, as a traffic inconsistent with every feeling of justice, religion, and humanity. When the question was first entered upon, no one properly understood its details; by degrees, however, the light broke in upon that den of serpents; and when it did so, and it was seen in all its hideous deformity, there existed but one opinion among men of any sense of duty, or any feelings of humanity. It should be remembered too, that great and powerful interests were opposed to it. It was said, our commerce would be destroyed, our marine would be destroyed, and that our settlements in the West Indies could not subsist at all without a regular importation of slaves; while in Africa they would continue to be brought down to the coast, and when no market was open for them they would be murdered. Thus it was foretold, that nothing but disaster would take place in Europe, in the western hemisphere, and in Africa itself, by the abolition; yet, all these predictions proved fallacious; and therefore, in soliciting other countries to adopt the same course, we call upon them to run no risk, nor to attempt any untried scheme. But, in fact, the greater nations of Europe, and particularly France, had no direct interest in the continuance of this trade. With regard to France, the war had practically abolished it for many years past; and, therefore, if carried on by her, it would be creating it anew. In that country, therefore, there was no commerce to be destroyed, no marine to suffer, no manufactures to decay, as a consequence of not participating in this traffic. The hon. member then drew a parallel between what had been the conduct of Buonaparté with respect to the slave trade, and the difficulty which Mr. Fox had found in persuading him that our abolition of it arose from any principle of justice; and what might be expected from the virtues, humanity, and religious feelings of Louis 18. With regard to Spain also, happier results might be anticipated. She was not now in a situation where she feared to displease any particular city; she was no longer placed in those delicate circumstances; her power was more secured, and she was now placed in a condition that enabled her to think of safety and honour in the way that nations and individuals always secured it, by a rigid adherence to just and honourable principles. Looking to Portugal, he entertained similar hopes; and he would not now go into a paper which he held in his hand, and which had been issued by that government. It was a sort of vindication of what is called the Middle Passage; and the principle of it was, that the slave trade should be carried on by the ports of Brazil, till the population of that extensive country was in proportion to its magnitude. He had really never read a paper which contained so much feeling and humanity, (a laugh.) Any person perusing it, might think that its whole object was, to diffuse the greatest possible happiness among the most favoured individuals. It was, in truth, a melancholy document; and yet he was pleased with it. It at least shewed, that the Portuguese government were attentive to the calls of humanity, though in this instance it had been perverted, because they were deceived as to the occasions for exerting it. When they were reminded, that this trade was wholly incompatible with humanity, and when the Prince Regent of Portugal was convinced of the impolicy of supplying the Brazils with a factitious population, there could be no doubt that he would resolve to co-operate cordially with this country. This co-operation would be more prompt and effective also, when the removal of the court of Portugal to Europe should have taken place. With regard to the other powers of Europe,—Russia, Austria, and Prussia, who were unstained by a traffic which we, to our shame be it spoken, had once participated in, let it not be supposed that they would be indifferent to its annihilation, or that they would be tardy in assisting to complete that object.

In sparing Paris, and in the sudden and complete abandonment of every hostile feeling, the allied powers had afforded a pledge of further magnanimity and humanity of conduct. He trusted, that all would concur in this grand object. Government had already obtained the acquiescence of Sweden. Denmark had abolished the slave trade at an early period. America the same. And here he begged to guard himself against the imputation of being supposed to wish, by this motion, to remind his Majesty's ministers of that sacred duty which he was persuaded they were ready cheerfully and spontaneously to perform. His object was merely to strengthen their hands, and, by the renewal of a solemn declaration from parliament, to show that their former proceedings had originated not in a transient or mistaken fit of humanity, but in a just and sound view of all the bearings and relations of the subject. He must repeat, that he really thought there was something in the present state and circumstances of things which justified the most favourable expectations. It would be refreshing to the mind, after so long a period of calamity, to witness a general acknowledgment of the grand and immutable principles of justice and humanity. It would raise Great Britain still higher in the scale of nations, if, after all she had done and suffered for Europe, she should ask, as a compensation, not any political or commercial advantage, not territory or wealth, but only an acquiescence in the establishment of a principle so intimately connected with the happiness of mankind. The most dreadful consequences would result to Africa, should foreign powers not consent to unite in this desired object. That wide continent would again be made the scene of horror; and our praises and thanksgivings to the Divine Being for his recent blessings to us, would be accompanied by the shrieks and screams of those whom we were persecuting. But he trusted this would not be the case. Whatever might be his opinion of the Roman Catholic religion, to the professors of that religion Europe owed much of its existing liberty; and he hoped that they would feel that their religion, no less than Protestantism, called on them to abolish that inhuman traffic which Mr. Pitt had truly called "the greatest practical evil that had ever been suffered to exist in the world." He concluded by moving,

"That an humble Address be presented to his royal highness the Prince Regent, to assure his Royal Highness, that this House, relying, with perfect confidence, on the solemn assurances received by parliament in 1806 and 1810, that his Majesty's government would employ every proper means to obtain a convention of the powers of Europe for the immediate and universal abolition of the African Slave Trade, beg leave humbly and earnestly to represent to his Royal Highness, that the happy and glorious events which promise the general pacification of Christendom, the present union and assembly of its greatest sovereigns, and the great and generous principles which they proclaim as the rule of their conduct, afford a most auspicious opportunity for interposing the good offices of Great Britain to accomplish the above noble purpose, with the weight which belongs to her rank among nations, to the services which she has rendered to European independence, and to the unanimous and zealous concurrence of her parliament and people:

"That we feel ourselves authorized, by our own abolition of this trade, of the guilty profits of which we enjoyed the largest share, by the fellowship of civilization, of religion, and even of common humanity, to implore the other members of the commonwealth of Europe to signalize the restoration of its order and security by the prohibition of this detestable commerce, the common stain of the Christian name, a system of crimes by which the civilized professors of a beneficent religion spread desolation and perpetuate barbarism among helpless savages, whom they are bound, by the most sacred obligations of duty, to protect, to instruct, and to reclaim:

"Humbly to represent to his Royal Highness, that the high rank which this kingdom holds among maritime and colonial states imposes a very serious duty upon the British government at this important juncture; and that, unless we interpose, with effect, to procure a general abolition, the practical result of the restoration of peace will be to revive a traffic which we have prohibited as a crime, to open the sea to swarms of piratical adventurers, who will renew and extend, on the shores of Africa, the scenes of carnage and rapine in a great measure suspended by maritime hostilities, and the peace of Christendom will kindle a thousand ferocious wars among wretched tribes, ignorant of our quarrels and of our very name:

"That the nations who have owed the security of their navigation to our friendship, and whom we have been happy enough to aid in expelling their oppressors, and maintaining their independence, cannot listen without respect to our voice raised in the cause of justice and humanity; and that, among the great states, till of late our enemies, maritime hostility has in fact abolished the trade for twenty years, no interest is engaged in it, and the legal permission to carry it on would practically be a new establishment of it, after the full developement of its horrors:

"That we humbly trust, that in the moral order by which Divine Providence administers the government of the world, this great act of atonement to Africa may contribute to consolidate the safety, and prolong the tranquillity of Europe, that nations may be taught a higher respect for justice and humanity by the example of their sovereigns, and that a treaty, sanctioned by such a disinterested and sacred stipulation, may be more profoundly reverenced, and more religiously observed, than even the most equitable compacts for the regulation of power or the distribution of territory."

The motion having been read from the Chair,

The *Chancellor of the Exchequer* said, he was happy to give his most cordial concurrence to the motion of the hon. gentleman; and he could not refrain from hoping, that when the subject should be submitted to the consideration of that most illustrious assembly of sovereigns, its important views would be effected, and they would be anxious to wipe away the iniquitous stain. He could not but hope, that the unanimous declaration of the British parliament would have a due effect; and that the hon. gentleman would witness the conclusion of that happy work, which he had so ably and so perseveringly carried forward.

Mr. *Ponsonby* said, he was happy to give his unqualified approbation to the Address; and agreed with the Chancellor of the Exchequer in opinion, that it could not fail to have great weight with the Allied Powers on the continent. Experience had proved, that too great extension of empire had only led to the degradation and unhappiness of that portion of mankind who possessed it. Luckily for the world, the late events had decidedly shewn this, and brought the different powers to a sense of the real state of things which contributed to make an empire or a kingdom truly powerful, or only comparatively so; and it would be making a mockery of what had passed, and losing sight of all the advantages which had really taken place, if we were to suffer those advantages to be confined to Europe, and not extend them to Africa; a quarter of the globe which had been so long and so grievously afflicted by the cruel and unjust treatment it had received from the European powers. Whatever advantages had been derived to this country from the Slave Trade, taken in a commercial point of view, they were certainly much greater than those of any other power; and having so cheerfully sacrificed them for the sake of promoting the ends of justice and humanity, we were certainly entitled to the right of endeavouring to bring our Allies into the same praise-worthy principles; and it would be an act of hypocrisy worse than that of the Inquisition, (which, when it condemned a criminal to death, delivered him over to the secular power with a recommendation of mercy) if we did not exert ourselves at the present auspicious moment to obtain the concurrence of all the powers of Europe in a measure, of the philanthropy, the advantage, and necessity of which we had so long been convinced.

Mr. *Canning* rose, not to express his sentiments on the abolition of the Slave Trade; that was unnecessary, as they were already well known to the House; he rose to declare it to be his opinion, that the vote which they were about to come to that night, would not be a barren vote; but one that would materially aid the great cause they were anxious to promote. Their unanimity on this occasion would not merely support what they had already done, but would do much towards persuading the great powers of Europe to unite with England to put down the Slave Trade. Let it not be said, when this language was held, that the English were always vaunting of their importance in, and influence over Europe. On such an occasion, they had a right to expect that their authority and example would produce the happiest results. With those powers who had not acknowledged the injustice of this traffic in human blood, the authority of Great Britain must have some weight; and with that larger portion, who, approving the principle acted upon by England, feared the application of it in their own case, our example must prevail. The apprehensions they at present entertained, must be in a great measure removed, when they saw that we, after cutting off that trade, which was to us a source of wealth and power (if it ever had been a source of wealth and power to any nation on earth), had lost nothing by obedience to the dictates of humanity, but had still been able, not only to defend ourselves, but to contribute largely to the restoration of the independence of Europe. With those powers who had not recognized the propriety of abolishing the Slave Trade, he would now take a higher tone than he thought would have been wise in the day of their distress, when, struggling with difficulties, they looked to this country; and he would take a higher tone with them for this reason: were they in some sort dependant on us, a strong remonstrance on this subject would have gone with too much of authority; but now that the danger was past, and they had recovered their independence, we might assume a loftier tone without appearing to insult them, by holding out a threat if they refused to comply with our wishes. Spain and Portugal could now defend themselves without our assistance; and they could decline attending to our representations, without fear of being abandoned to ruin. This then was the time when we could speak with most freedom; for as we could urge it with more of delicacy than formerly, so we could press it with more of firmness. The happy adjustment of the affairs of the world, which seemed now about to take place, would be incomplete, if an attempt to put an end to the Slave Trade did not form one grand feature of it. The technical consent to its abolition of those powers who were not actively engaged in it, ought to be obtained; for if this were not done, their flags would be abused by individuals belonging to other countries, who would be ready to avail themselves of this subterfuge to avoid punishment. The sanction of all the great nations of Europe to its being done away, was necessary, and of vast importance; not so much for the mighty power they possessed, as for the use they had made of that power. If their consent were not given to the abolition of the Slave Trade, things would not merely remain as they are in this respect; but the traffic in slaves would be greater than it had been for many years. The question then was, whether the æra of a general peace in Europe should secure the repose of Africa, or furnish a new starting-post for the plunder and devastation of that quarter of the globe. He hoped, the voice of the people, heard through the unanimous vote of that House, in favour of that which justice, humanity, and sound policy, combined to recommend to every nation, would not appeal to the assembled majesty of Europe in vain.

Mr. *Protheroe* said, he would not attempt to detain the House but for a very few moments, lest what he might say should weaken the effect produced by the speakers who had preceded him. He could not, however, withhold himself from expressing his approbation of the conduct of ministers, in having so warmly seconded the Address; and hoped they would use their strenuous endeavours with the Allied Powers to induce them to concur cordially in the measure, which he feared would otherwise be nugatory.

Mr. *Marryatt* could take upon himself to state, that those connected with the West India colonies were as anxious as any other class of persons could be, for the universal abolition of the Slave Trade. Unless, however, the House and the country went farther than they had yet gone in this business, though they had washed their own hands of the guilt, they had done little towards lessening the evil which they proposed to remedy; as, while the subjects of other countries engaged in it at all, they did more in proportion as this country did less. From the Report of the African Society it appeared, that up to the year 1810, the average number of slaves obtained from Africa annually amounted to 80,000; one half of which were carried away by the Spaniards, and the other half by the Portuguese. The traffic which was formerly carried on in English ships was thus kept up in Spanish and Portuguese vessels. The abolition of the Slave Trade had produced one good effect, that of greatly ameliorating the condition of the slaves in the colonies. The negroes were much better treated, and the old system of having night and day gangs had been abandoned. The total abolition of the Slave Trade would be a glorious consummation of the happy events lately witnessed in Europe; and he thought the Prince Regent could not be called upon to perform a more grateful task, than that which the resolution before the House went to assign to him.

Mr. *J. Smith* could not refrain from expressing a hope, that the peace of Europe would give repose to all parts of the world; and that those events which restored the inhabitants of one quarter of the globe to freedom, would not consign the natives of another to bondage and oppression.

Mr. *Whitbread* said, those were deceived, who imagined that every man in England wished for the abolition of the Slave Trade. Before he knew any thing of the present motion, it had come to his ears, that there were persons in this country base enough to wish for the return of peace, on account of the facilities it would afford for carrying on this detestable traffic under another flag. He was glad that this motion had been so ably supported by his right hon. friend near him (Mr. Ponsonby), and the right hon. gentleman opposite (Mr. Canning); as the demonstration, thus made, would convince those persons to whom he had alluded, that the legislature was intent upon procuring the perfect abolition of the Slave Trade throughout the world. At a former period, when we recommended the abolition of the Slave Trade to the other powers of Europe, it was thought we ought to set the example, by abolishing it ourselves. It was under such circumstances that the last peace was concluded; and reflections were then cast on the advocates for the abolition of the Slave Trade in that House, because such a step had not been taken. That blot remained on our character no longer. We had now set the example. He was glad to concur in the Address, and he hoped it would produce a general and beneficial effect—beneficial even according to the most sordid calculation—as the trading interest of every country would profit by it. He had been present at many of the debates that preceded the abolition of the Slave Trade in this country, which perhaps boasted the greatest display of eloquence (from the members then on both sides of the House) ever witnessed in the world. Mr. Pitt commenced the march of one of his speeches, by appealing to those who would only consider their interest, who had no feeling but in their purse; and demonstrated, by arguments which could not be answered, that it was their interest to put an end to a traffic so disgraceful. He had then, with that eloquence which he so well knew how to use, applied himself to persuade them to do it. This argument ought now to be held out to the deluded governments of Spain and Portugal, and to that most deluded government which attempted to justify the Slave Trade. They ought to be made to understand, that their interest required that this traffic should be no more. He could not anticipate opposition to the motion; and, but for the desire he felt to express his own feeling on this subject, he should have thought it quite unnecessary to add one word to the able speeches of those who had preceded him.

Mr. *W. Smith* observed, it must be remembered, that the chief opposition to the abolition of the Slave Trade came from Liverpool, from Bristol, and from those connected with the West Indies. They had lived to see that which was too extraordinary ever to have been prophesied or expected. They had seen (on the present occasion) a motion, which had for its object the total annihilation of the Slave Trade, supported and eulogized by the eloquent member for Liverpool, by the member for Bristol, and by a gentleman intimately connected with the West Indies, who, he believed, might be considered to act almost officially for the colonial interest. This circumstance was so remarkable that he could not help noticing it. Nothing could be more consoling than this reflection; and nothing could hold out a more well-founded hope that the whole world would eventually join in the same object.

The motion was then agreed to, *nem. con.*

HOUSE OF LORDS.

Wednesday, May 4.

SLAVE TRADE.] Lord *Grenville* rose to call their lordships' attention to the subject of the African Slave Trade. It had been for some time his intention to propose to the House to agree to an Address to the Prince Regent, requesting his Royal Highness, in the course of the negociations for the restoration of a general peace, to use his endeavours to procure from the allied sovereigns, and whatever other powers might be parties to the negociation, a renunciation of the African Slave Trade. He had delayed it till now, however, in consequence of an understanding that a similar proposition was to be moved in the other House, and then to be sent up to their lordships for thier concurrence. It appeared, that the matter had taken there a different course; from some objection in point of form, he believed. He therefore thought it right to delay his proposition no longer, being most anxious to obtain their lordships' concurrence in a resolution which he trusted would be unanimously adopted, as it had been unanimously agreed to in the other House. It would be a libel on their lordships' House to imagine that they could desire to remain behind in their exertions to promote an object in every point of view so desirable. It was for this reason, anticipating no objection from any quarter, that he now gave notice, that he should to-morrow submit a proposition to their lordships to agree to an Address of the nature which he had stated. If he had thought that there was any likelihood of opposition, he should certainly have conceived it his duty, from respect to their lordships, and the importance of the subject, to have given a longer notice; and if any intimation should be given him that there was any intention in any quarter to oppose the proposition, he should still give a longer notice. Not anticipating any objection, however, nor any opposition which was likely to create debate, and in the hope of an unanimous concurrence on the part of their lordships, he should submit the proposition for the Address to-morrow; and moved that the House be summoned.

The House was accordingly ordered to be summoned for to-morrow.

HOUSE OF COMMONS.

Wednesday, May 4.

GOVERNOR GORE.] Mr. *Whitbread* repeated his inquiries respecting the civil governor of Upper Canada, who, he was informed, had been absent two years from his command, and yet received all the emoluments of it.

Mr. *Goulburn* said, he was happy to have an opportunity of answering the hon. member's question. Governor Gore had received leave of absence for three months previously to the breaking out of hostilities between this country and America. Immediately upon that event taking place, he expressed his wish to return; but if he had returned, he would, from the nature of his office, have had the command of the militia of Upper Canada. It was thought better, however, that the person who commanded the regular forces should also command the militia, and therefore it was intimated to governor Gore that his return to his government was not immediately required. The hon. member had been misinformed with respect to the emoluments; he only received one half.

Mr. *Creevey* rose to ask a question respecting Mr. Le Marchant. He was informed, that he had been suspended, some time back, by lord Palmerston, the secretary at war, he (Mr. Le Marchant) being then paymaster of the foreign depôts. He wished to know what had occurred since to render him fit for the place he had recently been appointed to.

No answer was given.

Mr. *Whitbread* professed himself not satisfied with the reply of the hon. member respecting governor Gore. He thought it was not a creditable account to give to the House; and if the nature of the office was such, that the civil governor of a colony was to be recalled, and placed upon half-pay, in the event of a war happening in such colony, he thought there ought to be some alteration made.

Mr. *Goulburn* contended, that it would be very hard upon governor Gore, if he had been required to abandon his post because government did not think it expedient that he should return to it at a particular crisis of political affairs there.

Mr. *Whitbread.*—Then, if the governor had been upon the spot at the time the war with America broke out, it would have been the duty of government to have recalled him, and given him half-pay?

Mr. *Goulburn.*—It certainly would not have been the duty of government to do so.

Mr. *P. Moore* asked, whether governor Gore had not been recalled for misdemeanors?

Mr. *Goulburn.*—Certainly not.

CAPTAIN COLVILLE.] Mr. *Whitbread* begged leave to call the attention of the House once more to the case of this individual; to inquire if he was alive; and if alive, whether he had been released. He thought the present state of Europe was such as no longer to justify his detention.

Mr. *Goulburn* could not take upon himself to say whether he was alive or not; but he had had a conversation respecting him with the Secretary of State for the home department.

Mr. *Peel* informed the hon. member, that he certainly was alive, but he did not know what was the intention of government with regard to his liberation.

PRISONERS OF WAR.] Mr. *Wynn* wished to draw the attention of the right hon. gentleman to an omission which he considered as remarkable, in the convention between this country and France. In the article relating to the exchange of prisoners, it had been usual to stipulate, that the exchange should take place upon the said prisoners paying whatever debts they might have contracted. It was so stipulated in the Preliminary Treaty of 1801. In the present Convention, however, this had been omitted; and the omission he knew had caused considerable uneasiness in several parts of the country where the prisoners resided; as more than ordinary credit had been granted to them, relying upon such a stipulation in the event of a peace. He thought the omission could not have occurred without some reason; and to remove the apprehensions that existed, some explanation of it was desirable.

The *Chancellor of the Exchequer* said, he was not prepared to give any precise explanation upon the subject, as it was one that would be for the consideration of the respective governments.

SUBSIDIARY TREATIES, &c.] Mr. *Whitbread* observed, that the right hon. gentleman had not yet given any notice of the day when he meant to move the consideration of the Treaties of Subsidy and Alliance in a Committee of Supply. He hoped he would give ample notice to allow time for any member to move for those papers relating to the negociations at Chatillon, the knowledge of which was become more necessary now than ever. According to the second article of those treaties it was stipulated, that upon the refusal, by the late emperor of France, to accede to certain proposals, certain acts were to be done by the contracting parties. How could they know what these proposals were, without the communication of the papers referred to? There was another and a most extraordinary treaty also, of which no mention had been made, though he wished to know whether it was in existence, and likely to be laid before the House. He alluded to a treaty, signed on the 11th of April, with the late emperor of France, by all the allies, except England; and in furtherance of the stipulations of which treaty, an English officer was now acting, by superintending the removal of Buonaparté from France to the island of Elba. There might be good reasons for not communicating this treaty to the House; but he wished to know whether such a treaty was in existence, and whether the government intended to refuse it or not.

The *Chancellor of the Exchequer,* in reply to the first question of the hon. member, said, that he should certainly give sufficient notice for considering the treaties in a Committee of Supply. With regard to the other treaty he could only say, that he had no doubt all the engagements into which this country had entered would be duly communicated to parliament.

Mr. *Whitbread* said, he had received no reply to his questions. He would repeat them. Was there such a treaty in existence? Was the English minister required to sign it, and did he refuse to do so? Was not a British officer now acting in furtherance of its stipulations by attending Buonaparté to the coast?

The *Chancellor of the Exchequer* said, they were questions which he did not think it proper to answer.

In reply to another question put by Mr. Wynn to the Chancellor of the Exchequer, respecting the prisoners of war, we understood him to reply, that the arrangement with regard to their debts would take place previously to their embarkation.

SINKING FUND.] Mr. *P. Grenfell* rose to make his promised motion for papers respecting the Sinking Fund; and after having defended himself from the charge made against him by the hon. member for Surrey, of having misrepresented the opinion of Mr. Pitt on the clause in Mr. Fox's Bill on that subject, was proceeding to read an extract from the debates of that period; when the Speaker submitted to the House how far such a proceeding would be consistent with their usages. A short conversation on this subject ensued, in which Mr. Thornton, Mr. Tierney, the Chancellor of the Exchequer, Mr. Whitbread, and Mr. Bankes participated. Mr. Grenfell then resumed his speech, read the extract to which he had alluded, and concluded by moving, "That there be laid before this House, an account of all monies expended by the commissioners for the reduction of the national debt, together with the amount of capital stock obtained for the same in any of the public funds, bearing interest at 3*l.* per cent. per ann., from the commencement of the year 1793 to the end of the year 1801."

Mr. *Huskisson* applauded the object of the hon. mover; and took the opportunity to recommend to government, now that the happy discontinuance of war would enable them to do so, the utmost vigilance and economy in the domestic expenditure of the country.

The *Chancellor of the Exchequer* perfectly coincided in the propriety of the recommendation of his hon. friend. In one respect, however, it was the intention of government to propose an increase of expenditure. The country owed a vast debt of gratitude to our brave army and navy for those glorious efforts by which the contest in which we had been engaged was at length brought to a successful termination. That debt ought to be in some degree diminished by an attention to the comforts of those gallant men; and it was therefore in contemplation to propose an increase of their half pay.

The motion was then agreed to, as were also the following:

1. That there be laid before this House, an account of the average price, in money, at which every 100*l.* of the said capital stock has been obtained in each year respectively. 2. An account showing the price, in money, payable for every 100*l.* capital stock (without distinguishing between the reduced annuities and the consolidated annuities), by every contributor to the loans raised for the public service, from the commencement of the year 1793 to the end of the year 1801. 3. An account of the money expended by the commissioners for the reduction of the national debt, together with the amount of the capital stock obtained for the same in any of the public funds, bearing interest at 3*l.* per cent. per ann., between the 12th of June 1813, and the latest period to which the same can be made up. 4. An account of the average price, in money, at which every 100*l.* of the said capital stock has been thus obtained during the same period. 5. An account of all monies actually expended by the commissioners for the reduction of the national debt in the purchase of capital stock in each year, from the 1st of February 1793 to the 1st of February 1814. 6. An account of the amount, in money, raised by loans for the public service in each year, from the 1st of February 1793 to the 1st of February 1814.

HOUSE OF LORDS.

Thursday, May 5.

CORN LAWS.] Earl *Grey* presented a petition from the tradesmen, manufacturers, and others, of the town of Newcastle-upon-Tyne, against the measure supposed to be pending in parliament, for an alteration of the Corn Laws. This petition, it appeared, was signed by 11,000 respectable tradesmen and others, in the town of Newcastle; and if longer time could have been permitted, it would have been signed, he understood, not only by a still greater number of persons in that town, but also by a considerable portion of the inhabitants of the villages and places adjacent. It was not his intention, at this time, to enter into any declaration of his own sentiments upon this important subject, which he should defer to the period when the merits of this question would come under the consideration of the House, and when, probably, his opinion might be at variance with that of the petitioners. At the same time he felt it his duty to present this petition to their lordships, it was also incumbent upon him to direct their attention to one passage, which he wished the petitioners had not inserted. His lordship here read that part to which he adverted, and which, in substance, stated, that the petitioners beheld with regret "the unhallowed efforts of those who would, in pressing this Bill, deprive the country of the blessings of Divine Providence, by raising the price of corn, and scattering distress and devastation among the manufacturers and mechanics." Of this clause he could not approve, because it appeared defective in due deference and decorum; and if he thought it was meant to convey any imputation upon the motives of those gentlemen of the other House with whom the Bill originated, he should not feel himself justified in presenting it. But conceiving this clause to be the mere result of inadvertency, he hoped the House would allow the petition to lie on the table, which he moved accordingly.—Agreed to.

Norway.] Earl *Grey*, disclaiming the intention to interfere with any pending negociation, thought it necessary to ask the noble earl at the head of the Treasury, whether a negociation of some sort had not been recently entered into respecting Norway; whether with that view commissioners had not been sent to both Denmark and Norway; and whether those commissioners were directed to demand the cession of Norway to Sweden, as a *sine qua non*, or whether any alternative were offered?

The Earl of *Liverpool* said, he was sure the noble earl must feel that it would not be proper on his part to give a precise answer to the question which he had just stated; but he was free to say, that on the part of his Majesty and his allies commissioners had been sent to Denmark and Norway, relative to the cession of the latter to Sweden.

Earl *Grey* could not feel satisfied by the answer of the noble earl; for it was impossible to collect from it what was the intention with respect to Norway, whether it was intended to allow the Norwegians to preserve that independence for which they were so nobly struggling, against the privations of famine, and the pressure of various misery; or whether their submission to the government of Sweden was to be the *sine qua non*. He was anxious for information upon this subject, because the course which he should think proper to pursue must be regulated by that information; and he could not consider it as at all inconsistent with the duty of the noble earl to answer his question. If, however, the noble earl should not make the answer required, he (earl G.) should feel it his duty to persevere in the motion of which he had given notice for Tuesday, with respect to the production of certain papers upon this subject.

The Earl of *Liverpool* had no difficulty in stating the existence of the negociation alluded to; but he thought their lordships must feel the danger of any explicit answer to the noble earl's question, as to what might be the *sine qua non* of that negociation; for by such an answer he was persuaded that the object of the negociation would rather be impeded than promoted. It was, however, open to the noble earl to pursue such course as his sense of duty suggested.

Lord *Holland* observed, that he never recollected a minister who did not declare, that any answer to a question of this nature would rather embarrass than promote the object of a pending negociation. But still he must say, that it would not become the ministers or that House to suspend the declaration of a decisive opinion upon this interesting subject, until the poor but brave population of Norway were reduced to submission by force and famine.

Earl *Grey* said, that being told, on the one hand, that an explicit answer to his question would impede the object of a pending negociation, while apprised, on the other, that measures of violence and injustice, totally inconsistent with the honour and character of England, were using to force the submission of a country to a foreign state, he felt himself in some difficulty as to what course it might be proper to pursue. He should, however, persevere in his notice for Tuesday, particularly in consequence of some authentic information which had reached him. For he understood from a note of the Swedish minister's, that a special mission had been sent to Denmark and Norway for the purpose of officially declaring, that if the latter should not consent to be annexed to the Swedish crown, England and her allies were ready to support the pretensions of Sweden, with a view to that annexation. This was the *sine qua non* to which he had alluded; namely, that if Norway should not voluntarily submit to Sweden, arms would be employed to force that submission. If, indeed, in addition to the statements of the noble earl, that the object of the pending negociation would be impeded by answering the questions he had put, and that therefore that House should suspend the declaration of any opinion until the negociation terminated, it were also communicated, that in the interim the use of force against the Norwegians and the blockade of the ports of Norway should be suspended, he might be reconciled patiently to wait the result. But while measures were pursued, in his opinion, inconsistent with all the principles which this country held sacred, and which must be held sacred among all people who respected the rights of humanity, he could not consent to postpone his motion for Tuesday.

Duke of Wellington.] The Earl of *Darnley* declared the satisfaction he felt, when he found that the illustrious commander of our forces on the continent had been raised to a higher title. He wished to enquire of the noble earl over the way, if it were not the intention of his Majesty's government to provide also the means of supporting this high rank, so properly conferred? It had been suggested to him, that it was intended to bestow an additional pension for that purpose, but he felt every objection to the propriety of such a provision; for if, instead of the noble house of Blenheim, and its ample domains, a pecuniary payment had been granted to the duke of Marlborough, by this time the change in the value of money would have rendered the compensation inadequate to the support of the dignity. He trusted ministers would propose this subject for the consideration of parliament. He knew that House was not immediately the place for its first consideration; but he was anxious for promoting the best and most suitable provision for this noble individual, with whom he was not more personally connected than having at one period pursued his studies with him in the same school.

The Earl of *Liverpool* could assure the noble earl, that the subject to which he alluded had been under consideration; and most probably to-morrow, or on the first day of attendance afterwards, he should receive his royal highness the Prince Regent's commands to make a communication to their lordships of the measures recommended by his Royal Highness for that purpose.

Slave Trade.] Lord *Grenville*, anticipating, as he had already said, no opposition from any quarter to the proposition which he was now about to submit to their lordships, he trusted that this persuasion would be accepted as his excuse for omitting to urge to such extent and with such earnestness as should otherwise have done, a point in the success of which he felt so deep an interest. He had on former occasions apologized for the earnestness with which he had pressed the measure of the abolition, when many were adverse to its adoption. Now when parliament and the country were unanimous in its favour, unanimous in the wish that it should be extended to the whole civilised world, he need not state at length the motives and reasons why he was desirous that their lordships should accede to a resolution which had for its object the effectuating of that which they were all so anxious to see accomplished.

When he had originally proposed the abolition of that stain upon the national character, one great argument against it was this, that other nations, after we had abandoned it, would carry it on to equal or much greater extent; and that we, without gaining any thing for Africa, would be the dupes of our own misapplied and impolitic humanity. It had been said, that we ought first to apply to other nations, to secure their concurrence, and then by a simultaneous measure abolish the trade all over the world. They had argued on the other hand, that directly the opposite course was the best for this country to pursue. If application had been made to other powers before, the answer might have been, "if you believe that this traffic is unjust and impolitic, act upon your own conviction. If you yourselves are persuaded that its continuation is against the safety of your colonies, try the experiment, and then come and make the proposal for this general and comprehensive scheme of humanity." He did not know how ministers could have said that the legislature thought this traffic contrary to justice, sound policy, and religion, and yet confess that they were afraid to execute their own duty till others executed their's. He was happy that now no such answer could be given. They had now the proud, the consoling reflection, that that had been found most consonant to sound policy which was most consistent with justice and humanity. It had been said, that the existence of some of our colonies would be endangered, and that the negroes there would be in a much worse condition than before. But our colonies were safe; and the agents of those very colonies—he spoke it to their honour,—were now ready to confess, that the condition of the negroes had been much improved by the measure. They had been told, that certain of our commercial cities would be ruined by the abolition; but now the representatives of those very cities, he spoke it to their honour, were the most forward to applaud this great act of justice, and even to state the benefits which they had derived from it. When they now, therefore, applied to foreign nations, they could say, that the interest of this country had not been injured by the abolition. Need he ask, whether our commerce had been annihilated? Whether our prosperity and naval strength had been injured? No. They could now say, that the experiment had been tried, and that the commerce and prosperity of the country existed notwithstanding the abolition. Nay, he was convinced that the country stood in its present proud and happy situation, because it had abolished the Slave Trade. That was his conviction, and God forbid that he should be afraid thus publicly to own it. We should then address ourselves to foreign nations, not calling on them to share our dangers, not to take part in our sacrifices; but, by sharing in a great act of justice, share the high advantages that must accrue to all nations from justice, manly, pure, vigorous justice.

If it were asked, what right had we to interfere with the duties of other nations, or enquire into their modes of conducting their own commerce, was not the answer plain, that if ever there was a right in one nation to demand from another a deference to its own regulations, here the right was manifest. If a great act of our legislature were justified to ourselves; if we followed up that act in contradiction to our own immediate profit; if interests loftier than human profit were consulted by us, and yet liable to perpetual impediment by the practices of other nations, then we had an undoubted right to require that our objects should be impeded no longer. We had already, however, pledged ourselves to this conduct; we had already called on the Prince Regent to represent our wishes in the expedient quarters, and efforts had actually been made for the purpose. It was most calamitous that those efforts had been hitherto ineffectual. He (lord Grenville) felt the ground he was treading here; he felt the invidiousness of touching on the course which had been pursued abroad; but to deal with the question in generalities was to do it injury. There were some countries in which the Slave Trade had perished from circumstances: here the Slave Trade was practically abolished from the nature of the war. But its principal support was in the commerce of Spain and Portugal. In the Spanish dominions, it was carried on chiefly with British capital; in the Portuguese both by British and native. Were Englishmen to be permitted to abuse the laws of their country under friendly flags? and that under the flags of nations with whom England should possess by her services the highest influence? All this had been acknowledged. An article had been even inserted in a treaty with Portugal, by which his royal highness the Prince Regent of that kingdom avowed his full conviction of the injustice and impolicy of the Slave Trade; further assigning the danger of admitting a factitious and alien population into his American dominions. A clause, indeed, had found its way into the heart of the treaty, derogatory, in no slight degree, from the principle stated above; and he must allow he felt much more inclined to rely on the preamble than on any subsequent clause; or perhaps he might more strictly say, he relied on the justice of his Royal Highness. He felt unwilling to speak his full feelings on this subject: he was reluctant to say any thing that might be unbecoming a British member of parliament. But it would be absurd to hesitate in saying, that Portugal owed much to the protection of

Britain: nay, that, under Heaven, she owed her very existence to the prompt and vigorous services of Britain: and then was it to be still said, that we should not call upon her to second our efforts for the termination of a traffic that was a national crime? Yet Portugal, in spite of all former remonstrances, had not only persisted in sustaining this traffic, but was even at this moment preparing to swell it to an extent unprecedented in the history of this guilty commerce, and altogether shocking to humanity. An edict had been put into his hands, dated Nov. 30, 1813, almost the latest date that had reached this country, containing not only no symptoms of abolition, but of an immense and terrible augmentation of the traffic. The substance of this edict was, that his Royal Highness, taking into consideration the state of population in his South American dominions, and seeing its inadequacy for the necessary improvement of that great territory, not merely for the opening of the country by roads, causeways, and canals, but for the working of the mines, the cultivation of the spices, and other precious productions, and also for the manufactures which might be necessary to the future opulence and comfort of his dominions, did, in consequence of the urgent necessity of the case, allow and permit the further importation of slaves from the coast of Africa. This (said lord Grenville) was an instrument on whose construction there could, fortunately or unfortunately, be no doubt. Here was no idle disguise; it was all plain and palpable; an avowed and undisguised determination to push the traffic of slaves to an extent that might be considered unlimited. It was not to supply the first wants of society; not merely to break open roads and smooth the great internal channels of communication; it was not to supply those labours of which the other population might be incapable; not for the exploration of the mines, but for the most remote wants of society, even for the supply of its manufactures. He would turn to their lordships, and ask them, what limits were here assignable to this guilty trade; to what degree it must be pushed to fill the wants of that country, considering the enormous extent of territory, and the present state of that territory. The principle was here avowed, and our duty was inevitable. If we desired to abolish the Slave Trade, we must meet this measure and this avowal: we must meet it, too, with higher and more influential arguments than we had used before. (Hear, hear, from the dukes of Sussex and Gloucester.) If not, we must abandon all our objects; we must give up, as a dream, the hope we had once felt of seeing, in our life-time, the day on which there should be no sale of slaves throughout the world. He must speak out; Portugal owed not only her temporary protection, but her actual existence, to England; and it was not to be endured, that under the coverture of a flag which owed its security to us, our laws should be violated. If it were his object to work upon the feelings of the House, he would have only to detail the mockery of justice, and of all feeling, contained in the commencement of every paragraph; beginning as they did, with the most specious and formal provisions of mercy, and regularly terminating in new conditions of slavery. He hoped their lordships would not suffer this opportunity to pass away: but if they wished their opinion to be of any effect; if they wished the language which they were now to hold to their prince, and to Europe, to be followed up by consequences worthy of their feeling and their wisdom; if they wished to be heard by their prince, their address must be distinct and firm, and liable to no ambiguity. If it were not to be so, they must spare him the pain of taking any share in it; or, what was of more importance, they should spare themselves the regret of having feebly done what was worthy of all the vigour of man. Things must be done as they had been already done. Stipulations had been procured, arrangements entered into with great solemnity; all the forms of regulation had been proposed; and yet in the face of all, a system was going to commence to which all that was perpetrated before was feeble. There must be a change in the mode of application to foreign powers. He would offer an address. This was not levelled against any particular court, but referred to the recognition of the principle of abolition by all. All our efforts must be ineffectual while we gave the privilege of carrying on the trade to foreign flags. We had no alternative: if we chose to follow up our own laws, we must resist those practices even at the hazard of hostilities with those flags. The interest of our own colonies was even involved. The trade which, while liable to parliament, might be kept in certain politic limits, teemed with political dangers when it was given over to the clandestine industry of foreigners. This was the moment, the most favourable of all moments, for the establishment of this noble measure. The sovereigns of Europe, those who were the arbiters of so large a portion of human happiness, were now collected, animated with a new spirit; and the question which involved this vast portion of the human race, would be thus submitted, not at once, to suspicious, jealous, and contradictory interests, but to one great congress of powers who had exhibited the highest qualities of peace and war.

His lordship concluded by moving the following Address to his royal highness the Prince Regent:

> "To His Royal Highness the Prince Regent.—The Humble Address of the Lords Spiritual and Temporal, in Parliament assembled.

"May it please your Royal Highness;

"Relying with perfect confidence on the solemn assurances received by parliament in 1806 and 1810, that his Majesty's government would employ every proper means to obtain a convention of the powers of Europe, for the immediate and universal Abolition of the African Slave Trade—we most humbly and earnestly represent to your Royal Highness, that the happy and glorious events which promise the general pacification of Christendom, the present union and assembly of its greatest sovereigns, and the great and generous principles which they proclaim as the rule of their conduct, afford a most auspicious opportunity for interposing the good offices of Great Britain to accomplish the above noble purpose, with the weight which belongs to her rank among nations, to the services which she has rendered to European independence, and to the unanimous and zealous concurrence of her parliament and people.

"We feel ourselves authorized by our own abolition of this trade, of the guilty profits of which we enjoyed the largest share, by the fellowship of civilization, of religion, and even of common humanity, to implore the other members of the commonwealth of Europe to signalize the restoration of its order and security, by the prohibition of this detestable commerce, the common stain of the Christian name; a system of crimes by which the civilized professors of a beneficent religion spread desolation, and perpetual barbarism, among helpless savages, whom they are bound by the most sacred obligations of duty to protect, to instruct, and to reclaim.

"We humbly represent to your Royal Highness, that the high rank which this kingdom holds among maritime and colonial states, imposes a very serious duty upon the British government at this important juncture. Unless we interpose with effect to procure a general abolition, the practical result of the restoration of peace will be to revive a traffic which we have prohibited as a crime, to open the sea to swarms of piratical adventurers, who will renew and extend on the shores of Africa the scenes of carnage and rapine in a great measure suspended by maritime hostilities; and the peace of Christendom will kindle a thousand ferocious wars among wretched tribes ignorant of our quarrels and of our very name.

"The nations who have owed the security of their navigation to our friendship, and whom we have been happy enough to aid in expelling their oppressors, and maintaining their independence, cannot listen without respect to our voice raised in the cause of justice and humanity. Among the great states, till of late our enemies, maritime hostility has in fact abolished the trade for 20 years. No interest is engaged in it; and the legal permission to carry it on would practically be a new establishment of it, after the complete developement of its horrors.

"We humbly trust, that in the moral order by which Divine Providence administers the government of the world, this great act of atonement to Africa may contribute to consolidate the safety, and prolong the tranquillity of Europe; that the nations may be taught a higher respect for justice and humanity by the example of their sovereigns; and that a treaty sanctified by such a disinterested and sacred stipulation may be more profoundly reverenced, and more religiously observed, than even the most equitable compacts for the regulation of power, or the distribution of territory."

The Address was agreed to, *nem. dis.* and ordered to be presented by the lords with white staves.

HOUSE OF COMMONS.

Thursday, May 5.

PAPERS RELATING TO THE COUNTER-REVOLUTION AT PARIS.] The following Papers were presented, and ordered to be printed:

1. Copy of a DISPATCH from the Earl Bathurst to the Marquess of Wellington; dated, 9th April 1814: One Enclosure:—(Dispatched by Lieut. Colonel the Baron de Montalambert, April 9th, 1814.)

Downing-street, 9th April 1814.

My lord; If your lordship shall not have signed an armistice, in consequence of the Counter-Revolution, which has taken place at Paris, before this dispatch shall reach you, you will consider yourself as authorized to do so, if your lordship shall deem it expedient for the cause in which we are embarked; always taking care that the principles upon which it is founded shall be such as to secure to you a safe and direct communication with this country, even in the event of hostilities being renewed.

I have the honour to enclose the copy of a letter, which I have addressed to the lords commissioners of the Admiralty, directing them to take off the blockade of all ports and places in France, which shall hoist the Bourbon flag, and declare for peace with this country and our Allies.

If upon communication of the intelligence of the Counter-Revolution at Paris to the commandant of Bayonne (in case that fortress should continue to hold out) the commandant should not be willing to march out, or to hoist the white flag, you will direct sir John Hope to consent to an armistice for a given time, for the purpose of enabling the commandant to ascertain the truth of such intelligence; provided he shall consent to march out or to hoist the white flag at the expiration of the given time, upon being satisfied of the truth of the intelligence which sir John Hope will have been enabled to communicate to him. I have, &c. BATHURST.

To Field Marshal the Marquess
of Wellington, K. G. &c. &c. &c.

(Enclosure.)

Immediate.

War Department, 9th April 1814.

Sir; I am directed by earl Bathurst, to desire you will acquaint the lords commissioners of the Admiralty, that intelligence has been received this morning, by which it is known that the town of Dunkirk has displayed the white flag, and has professed sentiments of friendship towards Great Britain and her Allies; and you will move their lordships to give orders, that the blockade of Dunkirk should be suspended immediately; and generally, that whatever ports in France shall declare for the cause of the Bourbon family, and for peace with this country, should be relieved immediately from the naval blockade. I am, &c. H. E. BUNBURY.

J. W. Croker, Esquire, &c. &c. &c.

2. Extract of a LETTER from Earl Bathurst to Field Marshal the Marquess of Wellington, K. G.; dated, Downing-street, 9th April 1814: 5 P. M.—(Dispatched by Lieut. Colonel the Baron de Montalambert, April 9th, 1814.)

"Since I wrote my dispatch of this morning, which is sent under a flying seal to sir John Hope, a messenger has arrived from Paris, with dispatches of the 7th instant. The declaration of the army in favour of the House of Bourbon, and the abdication of Buonaparté, will probably have caused a cessation of hostilities throughout France. But isolated garrisons, and obstinate individuals, may still resist; and I therefore still send my dispatch of this day, in case the conduct of the commandant of Bayonne should make it necessary to act upon these instructions. I send the dispatch under a flying seal through sir John Hope, conceiving that your lordship may be distant from Bayonne, and that he may find a favourable opportunity of communicating with the governor or garrison, before he could receive your lordship's further instructions."

3. Copy of a LETTER from Colonel Bunbury to Lieutenant General Sir John Hope, K. B. dated, War Department, London, April 9th, 1814.—(Dispatched by Lieutenant Colonel the Baron de Montalambert. April 9th, 1814.)

April 9th, 1814.

Dear Sir; Lord Bathurst is so much hurried, that he has desired me to write to you, making at the same time his apologies for not writing himself. The accompanying dispatch, addressed to lord Wellington, is sent under a flying seal, in order that you may peruse it, and act upon that part which relates to a communication with the commandant of Bayonne, if circumstances make it advisable that you should do so, without waiting for further instructions from lord Wellington. Lieutenant colonel the baron de Montalambert will then carry on the dispatch, and such other communications as you may wish to make, to his lordship's head quarters.

You will also receive from the Baron a pacquet, containing printed extracts from the Moniteurs, which detail the proceedings at Paris up to the 3d instant, inclusive; and the Declaration of the Senate, that the allegiance of the French people and armies was no longer due to Buonaparté or his family. In case the commandant of Bayonne should refuse to treat, you may find these papers useful in making known the Counter-Revolution at Paris to the officers and soldiers of his garrison. I have the honour to be, &c.

H. E. Bunbury.

To Lieut. General Sir John Hope,
K. B. &c. &c. &c.

Corn Laws.] Sir *H. Parnell* moved that the adjourned debate on the Corn Laws should now be resumed.

Mr. *Rose* said, it was his intention to move that the Speaker should not leave the chair; and was proceeding to speak; when

The *Speaker* said, that one or two questions of form were to be attended to before the right hon. gentleman could go on to argue on such a question.

Mr. *Protheroe* appealed to the candour of the hon. baronet, whether it was proper to bring on the question then.

The *Speaker* here interrupted the hon. gentleman. It was necessary that the question, whether the debate be now resumed, should be disposed of before the debate could be commenced.

Mr. *Protheroe* said, that the question which he meant to put to the candour of the hon. baronet was, whether he thought it proper that the debate should be then resumed. On Monday last, when the hon. baronet had moved for the resumption of the debate, it appeared to be the opinion of the House, that it was postponed in order to give time to consider the resolutions; and that two days were little enough for that purpose. The hon. baronet had therefore postponed the debate till Thursday, in order to have the resolutions printed. They had not been delivered to members until that morning, and they were now called on to discuss the subject after only a few hours consideration. Indeed, for his own part, having been engaged all the morning in private committees, he had not had time to consider them at all. Under these circumstances, it was really to be wished that the House might have at least two days to think upon the subject, before they were called on to decide on the price at which the people of England were to eat their bread.

Sir *H. Parnell* replied, that any gentleman who read the resolutions, must see that the alterations proposed in them were of such a nature as to be comprehended with ease. He hoped also he might be allowed to observe, that it was by no means a new subject to the House. Notices had been given on the subject at each adjournment of the House for recess. He denied that there was any thing in the proposed regulations which would at all fix the price at which the people of England were to eat their bread.

The question for resuming the debate was then put and carried.

Sir *H. Parnell* then moved, that the first Resolution, viz. "That it is expedient that the exportation of corn, grain, meal, malt and flour, from any part of the United Kingdom, should be permitted at all times, without the payment of any duty, and without receiving any bounty whatever," be referred to a committee of the whole House. The question having been put,

Mr. *Rose** said:

Sir; as far as the Resolutions now moved by the hon. baronet differ from those he brought forward last year, they are in some degree less exceptionable; but I hope to be able to shew, that the adoption of these would be seriously injurious to the best interests of the country, and that no proceeding of any sort should be founded on the Report made last year.

One of these, to allow the exportation of corn at all times, without any restraint whatever, is offered to us, without even a mention of it in the Report. I will therefore make some observations upon it, before I proceed to comment on that paper, on which the House is now called upon to proceed.

This resolution is not for the repeal of one of those laws that has long been dormant in our statute book, without having been called into notice, but is at once to do away a system very long since established, and invariably acted upon for more than four centuries and a half.

The first prohibition of the export of corn to be found in our statutes is in the 34th Edw. 3d, 1360; and from that time to the present, there has not been one reign in which that principle has not been recognized, by some parliamentary proceeding, with the exception of those of Edw. 5th and Richard 2d, who together were not upon the throne two years and a half: and we are now desired, on the sole authority of the hon. baronet, to adopt an entirely new principle, without a suggestion having been offered in favour of it from any quarter whatever. It perhaps may be fit that we should abandon a system acted upon for more than 450 years, and sanctioned by the wisest and most experienced men ever since; but it seems to be too much to require us to do so hastily, and to put to hazard, without full enquiry, the subsistence of the people, in times of the severest calamity and greatest distress.

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* From the original edition printed for T. Cadell and W. Davies, Strand; and J. Hatchard, Piccadilly.

With proper respect for the talents and judgment of the hon. baronet, it is surely not too much to expect, that he would offer to our consideration, in a matter of such infinite importance, something more than his own opinion. In the Report before us, such as I shall shew it to be, there is not a syllable that has an allusion to the permission for allowing corn to be sent out of the country without any restraint, in times of the greatest scarcity: on the contrary, it is there proposed to act on the long-established principle; and prices are proposed for the regulations of the export.

The remainder of the resolutions certainly arise out of the Report. I feel it incumbent on me, therefore, to call the attention of the committee to the superficial view taken therein of the matter referred to them, and of the inaccuracies which are to be met with, nearly throughout the whole of it.

The subject is a dry one; but as it affects all descriptions of people in the kingdom, I trust I shall be permitted to go fully into it. I promise, however to do that with as little waste of the time of the House as I can.

It is hardly necessary for me to premise, that I should hold myself inexcusable if I were to convey an insinuation that the hon. baronet meant to mislead the House by any mis-statement: a certainty of detection must have prevented such an intention, even if he had not been restrained by better motives, which I am persuaded invariably govern his conduct. He must, however, permit me to say, that he did not apply such a degree of industry on the occasion as is required from the chairman of every committee to which an inquiry is referred.

I will freely confess, that at no time in my parliamentary life was I ever so astonished as at the proceeding attempted in the last session. I was perhaps struck the more forcibly with the Resolutions* then proposed by the hon. baronet, from their having been sudden and unexpected to me; for I had not the remotest apprehension of any innovation respecting the corn laws of this country generally, till I heard the resolutions moved. I knew, indeed, that a committee had been sitting respecting corn, of which the hon. baronet was chairman; but I thought the enquiry related only to some internal regulations in Ireland, never having heard, by any accident, that a revision of the corn acts in Great Britain, as well as in the other part of the United Kingdom, was in contemplation.

In former instances, when any material alteration was intended on the subject, the proposals were brought forward early in the session, and full time allowed to deliberate on the propositions.

In 1773, the Bill (after proceedings in the committee) was read the first time December 15th, and was not out of the House till the 2d of April following.

In 1791, the Bill was brought in December the 16th; and it did not pass this House till the 27th of May following.

In 1804, the Report was printed 14th of May; and the Bill was passed 26th of July.

Whereas, in 1813, when the most extraordinary alteration ever attempted was brought forward, the Resolutions were not moved till the month of June, when most of the country gentlemen, as well as those connected with the manufacturing interests, had left town.

And in the present session, the question is not even stirred till the beginning of May.

I should have thought the late period of the last session would have been a sufficient reason for delay; and on that ground alone I should have objected to the proceeding, even if I had not been very unaffectedly alarmed at the proposal of a free export at all times, and under all circumstances, as well as at the immense increase of prices, till which importation was to have been allowed.

But when I looked into the Report, I felt great anxiety that it should not be acted upon at all. I could not have conceived it possible, before the Resolutions were brought forward, that it would have been attempted to increase, to an extent quite unexampled, the prices of regulation; in some instances, on such averments, and on such evidence, as are to be found in that Report; and in the important one above alluded to, without even a mention of it.

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* See Vol. 26, p. 659.

The Report sets out with a statement of the value of corn imported in the last twenty-one years, and the amount of bounties paid thereupon; a period in which circumstances, unheard of till then, occurred to raise the prices unnaturally, which, it may be hoped, are not likely to be inflicted upon this country and the world again. In the amount of bounties, too, is included the money granted to indemnify to a certain extent persons who shall import corn in a time of the severest distress ever known.

On the ground of this unexampled and temporary pressure, we are desired to legislate permanently, and to regulate future averages according to prices, freights, insurance, and other charges, beyond all comparison higher than were ever known, and when difficulties were interposed, such as had at no former time ever been experienced.

The committee next allege, that they have examined into the laws which from time to time have been made for regulating the corn trade: with what attention and accuracy they did so, will be judged of by the observations I shall have occasion to make. I will here merely observe, that they refer to no more than seven laws, one of which was repealed; these will be found to bear a very small proportion to the whole; the total number are more than one hundred and twenty; but of those, thirty are from the Rolls of parliament, and one from Scobell in Cromwell's time; there are, however, nearly thirty that are well worthy of notice.†

It is my intention to observe upon the Report in the order in which the points occur.

With respect to what is said of the improvement of agriculture in Ireland, I decline entering into any detail, not understanding the subject; but I am ready to concur most heartily in any proposal for the attainment of that object; such a measure (if any is wanting) may, I trust, be accomplished without endangering much mischief to the whole empire.

The first instance the committee give of their deep research into those laws, which have from time to time been made for regulating the corn trade, exhibits a most extraordinary misconception: on referring to the 15th Ch. 2. c. 7. they say, that Act gave freedom to the "inland corn trade, and perhaps contributed more, both to the plentiful supply of the home markets, and to the increase of tillage, than any other law on the statute book." The terms and provisions of this Act are so perfectly plain and intelligible, as to render it inconceivable how they could have been mistaken. Instead of giving freedom to the transport of corn in the home market, it actually prohibits the transport of grain at times when it would be most important that it should be free, namely, when the prices shall be high.

Not to trust, however, to my own judgment on a matter so perfectly plain as this, let us see what the committee of privy council for the affairs of trade, in a Report presented to this House in 1790, say respecting that same Act; "The ancient laws of this kingdom, which by a false policy restrained the inland trade of corn, have in general been repealed. The 15th Ch. 2, c. 7, which does not permit the buying corn to sell again, and the laying it up in granaries, except when the several sorts of corn are below certain prices therein mentioned, is the only law of this description which will now be found in our statute-book, and ought certainly not to remain there any longer." In this opinion the legislature concurred, and the Act was, in consequence, repealed, by the 31st G. 3, c. 30, sect. 2. This law, therefore, which was the subject of the high eulogium of the committee, fortunately exists no longer.

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† ACTS, &c. respecting the Exportation and Importation of Corn, and such as have relation to the prices thereof.—[The Acts, &c. to which this mark * is prefixed appear to be most worthy of attention.]

1225. 9 H. 3. c. 25. Only one measure of corn throughout the realm.

1266. 51 H. 3. stat. 6. Mode of ascertaining the price of wheat, by which the price of bread shall be regulated.

*1315. 8 and 9 Ed. 2. Rot. Parl. Vol. 1. 340. Proclamation on account of the scarcity of corn, that no wheat shall be used in the brewery: on a petition from Winchester.

1324. 17 Ed. 2, Rot. Parl. Vol. 1. 458. *Corn may be exported from Ireland into England, on security that it shall not be carried to the Scotch or other enemies.

1335. 9 Ed. 3, c. 1. Corn may be bought and sold freely throughout the realm, as well by foreigners as denizens.—

In referring to the average pprices, the committee are equally unfortunate; they state the average of the twenty years pre-

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This is confirmed, 25 Ed. 3. in the Rolls of Parliament, Vol. 2. p. 231. See also Anno 1370.

1339. 13 Ed. 3, Rot. Parl. Vol. 2, 106. *Writs to be directed to sheriffs, and to mayors, &c. at the sea ports, to prevent the exportation of corn, without the king's licence. [In this year there is an entry in the Parliament Roll of a contract by merchants of Hull and Lynne to deliver a quantity of wheat at 9s. a quarter. Rot. Parl. Vol. 2. p. 109.]

1350. Stat. 25 Ed. 3, stat. 5, c. 10. All measures shall be according to the king's standard, and the quarter of corn shall be eight bushels.

*1360. Stat. 34 Ed. 3. c. 20. Prohibits positively the exportation of grain, except to the king's possessions in France. —Repealed by 21 Ja. 1. c. 28. sect. 11.

1363. 37 Ed. 3. Rot. Parl. Vol. 2, 277. *Proclamation against exporting corn without licence.

1364. 38 Ed. 3. Rot. Parl. Vol. 2, 287. The commons in the north pray that no corn may be allowed to pass the Marches of England into Scotland.

1371. 45 Ed. 3. Rot. Parl. Vol. 2, 305. *Corn may be freely bought and sold throughout the kingdom.

1376. 50 Ed. 3. Rot. Parl. Vol. 2, 350. *Corn may be exported when not prohibited by the council.

1378. 2 Rich. 2. Rot. Parl. Vol. 3, 47. *Corn may be bought and sold by natives and by merchants aliens wholesale or by retail in any part of the realm freely.

*1382. 6 Rich. 2. Rot. Parl. Vol. 3, 141, and 396. No corn to be exported except to Berwick, and to the king's possessions in France, on forfeiture of the grain and vessel, without licence from the council: and those who shall have licence, to produce proof of their having conformed thereto.

1383. 7 Rich. 2. Rot. Parl. Vol. 3, 164. Corn shall not be sent into Scotland, either by land or water, without a special licence from the king.

1389. 13 Rich. 2. Rot. Parl. Vol. 3. 269. Horse provender to be charged according to the price of corn.

1390. 14 Rich. 2. Rot. Parl. Vol. 3, 281. The Commons pray that proclamation may be made for the due observance of the Statute of Measures; and that the houses of brewers and others who buy corn by the measure of nine bushels instead of eight, may be searched for false measures.

1391. Stat. 15 Rich. 2. c. 4. Corn to be sold only by the quarter of eight bushels.

1391. Rot. Parl. Vol. 3, 291. The same provision.

Rot. Parl. Vol. 4, p. 14. The same provision.

*Rot. Parl. Vol. 3, p. 455. 2 H. 4; 493. 4 H. 4; 546. 6 H. 4; 568. 7 H. 4; 612. 9 H. 4; 635. 11 H. 4; 648. 13 H. 4; Vol. 4, p. 6. 1 H. 5; 16. 2 H. 5; 64. 3 H. 5; Vol. 5, p. 228. 31 H. 6; 508. 4 Ed. 4; Vol. 6, p. 154. 14 Ed. 4; 238. 1 R. 3; 269. 1 H. 7. Corn exempted from duty on importation in all these acts of subsidy; the last for the life of Henry the 7th.

*1393. 17 Ric. 2. c. 7. Permits the exportation of corn, on payment of the subsidy: no limitation of prices; but the council may restrain it when necessary.

1425. 4 Hen. 6. c. 5. Almost in the same words as the preceding.

*1436. 15 Hen. 6. c. 2. Exportation allowed without licence, when wheat is 6*s.* 8*d.* a quarter, and barley 3*s.* (This seems to have established the principle of regulating the export by price.) 20 Hen. 6. c. 6. continues this for 10 years.—23 Hen. 6. c. 5. makes this law of the 15th perpetual; reciting, that the maritime counties cannot have a market for their corn, unless it shall be allowed to be carried by sea.

1463. 3 Ed. 4. c. 2. *Grain not to be imported when wheat does not exceed 6*s.* 8*d.* rye 4*s.* barley 3*s.* (This seems to have established the principle of regulating the import by price.)—Repealed by 21 Ja. 1. c. 28. sect. 11.

1496. Stat. 12 Hen. 7. c. 5. Act for weights and measures, provides that corn shall be sold by the measure of eight gallons to the bushel, and what the gallon shall weigh; and that all other gallons shall be broken.

*1533. 25 Hen. 8. c. 2. Privy Council to regulate the prices of all victuals.—1552. 5 and 6 Ed. 6. c. 14, against en-ceding 1666, to have been 57s. 5½d. and of the twenty years subsequent to that year, to have been 46s. 3d. on the authority of "Tracts on the Corn Trade." It has not been usual for committees of this House, on making reports, to rely on statements from pamphlets; and we have here a proof that they ought not to do so. In this case such reliance has led the committee into an error, on which the House might have been induced to act. The prices appear to have been taken

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grossers, altered by 5 Eliz. c. 12, sect. 7.

*1552. Stat. 5 and 6 Ed. 6. c. 14. sect. 12. Act against regraters: allows corn to be transported freely from one port to another, by licence from three justices; and that it may be bought up and engrossed when at or under 6s. 8d. a quarter.—And there are other Acts respecting licensing dealers in corn.

1554. 1 and 2 Ph. and M. c. 5. Prohibition to export without licence, except when wheat shall not exceed 6s. 8d. rye 4s. and barley 3s.

1558. 1 Eliz. c. 11. sect. 11. Corn may be exported from Suffolk and Norfolk, when the prices do not exceed, wheat 6s. 8d. rye 5s. barley 3s. 4d. and oats 2s.

*1562. 5 Eliz. c. 5. sect. 26. Exportation allowed when wheat shall not exceed 10s. rye 8s. barley 6s. 8d. See 13 Eliz. c. 13.

*1570. 13 Eliz. c. 13. from the original Roll. Corn may be exported on a duty of 1s. a quarter to places in amity, not prohibited by any restraint or proclamation, in square rigged vessels, British-owned, at such times as the prices thereof shall be so reasonable and moderate when no prohibition shall be made either by the queen's proclamation or by order of council, or by order of judges of assize, or at the quarter sessions. When exported hereafter by special licence, and not under this Act, a duty of 2s. a quarter on wheat.

*1593. 35 Eliz. c. 7. sect. 23. Exportation allowed when wheat shall not exceed 20s. on a duty of 2s. a quarter.

*1604. 1 Ja. 1. c. 25. sect. 26. Exportation allowed when wheat shall not exceed 26s. 8d. on a duty of 2s. a quarter; but may be prohibited by proclamation, either throughout the kingdom, or from any part of it.

*1623. 21 Ja. 1. c. 28. sect. 3. Exportation allowed when the price of wheat shall not exceed 32s. on a duty of 2s. a quarter; but may be prohibited by proclamation.

1627. 3 Ch. 1. c. 4. sect. 24. The same as the preceding.

1656. Cromwell's Ordinances, c. 5. *Corn may be exported, when wheat is not above 40s. on a duty of 1s. a bushel.

*1660. 12 Ch. 2. c. 4. sect. 11. Exportation allowed when wheat shall not exceed 40s. on a duty according to the rates in the Schedules to the Act, which appears to be 20s. a quarter on wheat.

*1663. 15 Ch. 2. c. 7. sect. 2. Exportation allowed when wheat shall not exceed 48s. on a duty of 5s. 4d.

1670. 22 Ch. 2, c. 8, and 22 and 23 Ch. 2, c. 12. To ascertain the measure of corn; to be only the Winchester bushel of eight gallons throughout the kingdom.

*1670. 22 Ch. 2, c. 13, sect. 1. Exportation allowed on payment of the subsidies, although the prices shall be higher than those stated in the Act 15 Ch. 2, on payment of the subsidy.—And Importation, if it shall not exceed 53s. 4d. on a duty of 16s.; and when it shall exceed that, and be under 80s. on a duty of 8s. This Act is explained by 5th Geo. 2. c. 12.

1685. 1 Ja. 2, c. 19. Prescribes the mode of ascertaining the prices in the 22d Ch. 2. And is further explained by 2d Geo. 2, c. 18, and 5th Geo. 2, c. 12. This Act is repealed by 31 Geo. 3, c. 20.

*1688. 1 W. and M. Stat. 1, c. 12. Exportation allowed when wheat shall be at or under 48s.; and a bounty of 5s. on wheat when exported. (This is the first instance of a bounty.) Repealed by 31 G. 3, c. 30.

1698. 10 W. 3, c. 3. Exportation suspended.

1699. 11 W. 3, c. 1. Bounty suspended till 1709.

*1700. 11 and 12 W. 3. c. 20. Duties on grain exported to cease.

1709. 8 Ann. c. 2. Importation suspended for a year.

1732. 5 G. 2, c. 12; see 2 G. 2, c. 18. To explain the 1st of Ja. 2, c. 19, and 22 Cha. 2, c. 13, as to ascertaining prices of corn, and mode of export.

1738. 11 G. 2, c. 22. To punish persons who shall obstruct the exportation of corn, or the removal of it from one part of the kingdom to another.

1741. 14 G. 2, c. 3; 1742. 15 G. 2, c. 35. Exportation suspended.

1757. 30 G. 2, c. 1. Ditto.

1757. 30 G. 2, c. 7. Importation duty-free.

from an account kept in Eton College of those in Windsor market; according to which they are correct; but the prices there stated are of the bushel of nine gallons, till 1792, when, under the 31st G. 3, c. 30, sect. 82, the measure of eight bushels was adopted; to come at the true price, therefore, one-ninth must be deducted previous to that year; the averages then will be 51*s.* 6½*d.* and 41*s.* 2*d.* instead of 57*s.* 5*d.* and 46*s.* 3*d.*

For the prices in the table that follows,

1757. 30 G. 2, c. 1, and 9. Exportation suspended, and importation allowed in neutral ships.

1765. 5 G. 3, c. 31: To discontinue bounties on export, and duties on import.

Ibid. c. 32. To enable the king to prohibit the export for a limited time.

1776. 6 G. 3, c. 3. Importation from America duty-free.

Ibid. c. 5. To prohibit the Export.

1767. 7. G. 3, c. 3. Ditto, and to stop distillation.

Ibid. c. 4. American corn free of duty.

Ibid. c. 5. Importation free generally.

Ibid. c. 7. Indemnity for order in council to prohibit exportation.

Ibid. c. 11. Further allowing importation.

Ibid. c. 22. Ditto.

1768. 8 G. 3, c. 1. To prohibit the export, and stop distillation.

Ibid. c. 2. To allow importation, &c.

1769. 8 G. 3; 1st Sess. c. 1. To prohibit the export, and allow the import, and to stop the distillation.

1769. 8 G. 3, 2d Sess. c. 1. Ditto.

1770. 10 G. 3, c. 1. Ditto.

Ibid. c. 39. Regulating the mode of requiring and ascertaining prices of grain. —Repealed, 31 G. 3, c. 30.

1771. 11 G. 3, c. 1. To prohibit the export, allow the import, and stop the distillation.

1772. 12 G. 3, c. 1. Ditto, as respects export and distillation.

Ibid. c. 33. Allowing importation.

1773. 13 G. 3, c. 1, and 2. Ditto.

Ibid. c. 3. To stop the export and distillation.

*Ibid. c. 43. Prohibits the export when wheat shall be above 44*s.* and import allowed when at or above 48*s.* on a duty of 6*d.* and when wheat shall be under 44*s.*, a bounty of 5*s.* on the export. Repealed, 31 G. 3, c. 30. And explains the mode of ascertaining prices. Under this Act foreign corn may be warehoused for exportation: or may be taken out for home consumption, on payment of the duties due on importation, at the time the corn shall be taken out.

1780. 20 G. 3, c. 31. Corn exported in neutral ships, entitled to half the bounty. This Act revived and further continued by 21 G. 3, c. 29, and 22 G. 3, c. 13, sect. 6.

1781. 21 G. 3, c. 50. For further regulating and ascertaining the importation and exportation of corn.

1783. 23 G. 3, c. 1. Corn may be imported in British or neutral vessels, on the low duties and two 5*l.* per cents. for a few months.

1783. 23 G. 3, c. 53. The king allowed by proclamation to admit the importation into some counties in Scotland for 4 months.

1783. 23 G. 3, c. 81. To prohibit the exportation of corn, with a bounty, during the operation of the two preceding Acts.

1787. 27 G. 3, c. 13. The Consolidation Act; made no alteration in the prices or duties.

1789. 29 G. 3, c. 58. For better regulating and ascertaining the importation and exportation of corn.

1790. 30 G. 3, c. 1. Indemnity for Orders in Council prohibiting exportation of corn; and for the governor of Canada for admitting corn in American vessels. Foreign corn legally warehoused, may be exported from such warehouse.—Wheat, &c. may be imported on low duties, and may be warehoused.—30 G. 3, c. 42, continues the preceding Act for a few months more.—31 G. 3, c. 4, further continues the preceding Acts.

*1791. 31 G. 3, c. 30. This Act makes important alterations; it repeals all the Acts respecting the importation and exportation of corn; and also all the duties thereon, except such provisions as relate to malt: and particularly the 15 Ch. 2, c. 7.—1 J. 2, c. 19.—1 W. and M. c. 12.—10 G. 3, c. 39.—13 G. 3, c. 43.—21 G. 3, c. 50.—29 G. 3, c. 58. When wheat shall be under 44*s.* a bounty of 5*s.*: when above 46*s.* no export. On importation, if under 50*s.* a duty of 24*s.* 3*d.* If at or above 50*s.* and under 54*s.* a duty of 2*s.* 6*d.* If at or above 54*s.* a duty of 6*d.* With a table of duties for Ireland and Quebec. Corn may be warehoused for exportation; or taken out for home consumption, on payment of the duties due at the time when the same shall be so taken out; with an addition of 2*s.* 6*d.* to the first low duty. If at one port the high duties shall be due, a vessel

Chalmers' Estimate and Dirom's Enquiry are quoted; on comparing these with the Eton accompt, the first sum agrees; but as far as I have examined the remainder, the prices are uniformly lower in Mr. Dirom's statement, who seems in all the subsequent sums to have deducted 2-9ths from the Windsor price; 1-9th for the difference of measure would have been correct till 1792, for the reason I have already suggested; but the second 1-9th must be erroneous: if it is deducted on account of

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may go to another port where the low duties only shall be due. Maritime counties, and those in Scotland, divided into districts. Mode of regulating the prices according to a six weeks average; except oats, which are to be regulated by prices during twelve weeks. Inland districts settled. Exportation from, and importation into Scotland, regulated. The King in council, parliament not sitting, may permit importation, or prevent exportation, when the average price of the whole kingdom shall be at or above the price which foreign corn shall be allowed to be imported at, according to the low duties in table D. of the Act, which is 2*s.* 6*d.* and to recall such permission to export and import.—[This last is varied by 33 G. 3. c. 65, which provides for prices from Ireland and Quebec.]

1793. 33 G. 3, c. 3. Indemnification for Orders in Council. Foreign corn may be warehoused. The King may prohibit the export, during present session, and permit the importation.

1793. 33 G. 3, c. 65. Mode of taking averages altered. The King's authority to permit export and stop import to be governed by prices formerly settled.

*1795. 35 G. 3, c. 4. The King may permit the import, or prevent the export of corn, without regard to prices. Importation in neutral vessels allowed. The King's power extended to other articles of provisions.

1796. 36 G. 3, c. 3. Unlimited importation allowed free of duty, and positive prohibition of export, in neutral as well as in British ships.

1796. 36 G. 3, c. 21. Large premiums given on corn imported, to secure importers having certain prices, in neutral as well as in British vessels, till 500,000 quarters shall be imported; and then the premiums reduced.

1797. 37 G. 3. c. 7. Continues the 36 G. 3, c. 3, to permit importation, and restrain exportation.

1797. 37 G. 3, c. 83. Repeals so much of the preceding Act as relates to barley, oats, &c.

1798. 38 G. 3, c. 10. Continues the prohibition to export, and the permission to import, according to the Act 37 G. 3, c. 7, as far as respects wheat, &c.

*1799. 39 G. 3. c. 87. (This Act has been continued by several laws from year to year, and is now in force during the war. Vide 51 G. 3, c. 14.) The King may prohibit the import, or permit the export of corn generally, without regard to prices, in neutral as well as in British vessels. Extended to other articles of provisions. Continued 39 and 40 G. 3, c. 9, till September 1800.

1800. 39 and 40 G. 3, c. 8, sect. 3 and 5. To stop the distillery, &c. Continued, 41 G. 3, c. 3.

1800. 39 and 40 G. 3. c. 29. Premiums to ensure certain prices.

1800. 41 G. 3, c. 2. To authorize the King, from time to time, to prohibit the exportation of all articles used for the food of man.

1800. 41 G. 3, c. 5. The Act 39 G. 3, c. 87, and 39 and 40, c. 9, for enabling the King to allow the import and to restrain the export, continued.

1800. 41 G. 3, c. 10. Premiums granted to ensure importers certain prices for corn imported, in neutral as well as in British ships. American flour, imported on the bounty, to be sold within two months after landing. Sales of flour to be public. Foreign wheat, not merchantable, may be warehoused. To increase bounties on American flour.

1801. 42 G. 3, c. 13. To continue 39 G. 3, c. 87, authorising the King to permit import and prevent export, generally, without regard to prices, and to prevent the exportation of all kinds of provisions.

1802. 43 G. 3, c. 12. Further to continue the preceding Act, authorising the King to permit importation and to stop exportation.

1803. 44 G. 3, c. 4. Ditto.

*1804. 44 G. 3, c. 109. Repeals the prices at which corn might be exported and imported under the 31 G. 3, c. 30, except the warehousing duties. Export allowed when wheat shall be at or under 48*s.* with a bounty of 5*s.* If above 54*s.* no export. Import, if under 63*s.* on a duty of 24*s.* 3*d*; if at or above 63*s.* but under 66*s.* a duty of 2*s.* 6*d.*; if at or above 66*s.*

the Eton table being made from the best quality of wheat, as I have somewhere seen suggested it ought to be, it cannot be supported, because the wheat there is what is termed mealing wheat, which is of a middling quality. For the sake of comparison, however, the table is sufficient, as the variations are, in most instances, uniform; let us therefore examine how far the committee are supported by the evidence adduced by themselves:

The prices in their tables are as follow;

In the 5 years ending 1701.........42*s.* 8*d.*
In the 4 years to...... 1711.........49*s.* 9*d.*

From that year to 1764 the prices were certainly very considerably lower than that;

But in the 5 years to 1769 ....43*s.* 2*d.*
And in the 5 years to 1774.........47*s.* 9*d.*

Which last prices were under the regulations continued from 1688; for there was not even an alteration in the regulating price of export or import between that year and 1774; and from that year to 1794 the fluctuations were not to any serious amount.

The Act of 1773 (commencing 1774) makes an important alteration in the Corn Laws; it repeals the high duty imposed on importation by the 22nd Charles 2; in lieu of which it allows the importation of wheat when at or above 48*s.*, and prohibits the export when above 44*s.*; which by the Act of 1688 had been allowed when under 48*s.*: in both cases a bounty of 5*s.* was given on the export; and yet we find in the table in the Report, that the average of five years to 1779 was only 40*s.* 9*d.*; much lower than in the two preceding periods of the same length.

The Act of 1791 repeals in a sweeping clause the regulating prices of 1688 and 1773; and many other Corn Acts as well as the 15th Charles 2, ch. 7; and establishes a new principle: no wheat could, under that law, be exported when above 46*s.* (still something lower than those at the Revolution): but with respect to importation, a further protection was given to the grower of corn; none could be brought into the country when the price was under 50*s.* without payment of a duty of 24*s.* 3*d.*; if at or above 50*s.* and under 24*s.* a duty of 2*s.* 6*d.*; and if at or above 54*s.* a duty of 6*d.* On this Act the committee make no comment, and their table being brought down only to 1794 (for which no reason is assigned) I am prevented from drawing any inference from that instrument. I have, however, authentic information from another source, to which I shall refer presently.

By the Act of 1804 the export is allowed with the bounty when wheat is at or under 48*s.*; if above 54*s.* no export. If under 63*s.* a duty to be paid of 24*s.* 3*d.*; if at or above 63*s.* but under 66*s.* a duty of 2*s.* 6*d.*; if at or above 66*s.* a duty of 6*d.* Here then is a further protection of 13*s.* a quarter on importation at the end of 13 years only, above the limitation in 1791.

The committee in the face of these facts, however, proceed to observe, "That their review of the Corn Laws shews that

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a duty of 6*d.* Regulating the intercourse with Ireland as to prices. Under this Act the averages are now regulated, referring to the 31 G. 3, c. 30, and explained by 45 G. 3, c. 86.

1805. 45 G. 3, c. 26. To continue 39 G. 3, c. 87, authorising the King to permit the importation and prohibit the exportation of grain generally. See c. 86.

*1805. 45 G. 3, c. 86. No export of corn when above the limited prices for one week.

1806. 46 G. 3, c. 29. Further continuation of 39 G. 3, c. 87, till March 1808.

*1806. 46 G. 3, c. 97. To allow a free intercourse of grain between Great Britain and Ireland. Explained by the 47 G. 3, to extend only to corn the growth of each country. Previously to the passing this Act, there had been temporary laws for regulating the intercourse between the two parts of the empire. 42 G. 3, c. 35.—43 G. 3, c. 14, and 78.—44 G. 3, c. 65.—45 G. 3, c. 80.—46 G. 3. c. 29.

1809. 49 G. 3, c. 23. To continue the 39 G. 3, c. 87, authorising the King to permit importation and to restrain exportation generally, without regard to prices —till March 1810.

1810. 50 G. 3, c. 19. Ditto, till March 1811.

*1811. 51 G. 3, c. 14. Ditto, continued till the end of the war; and for six months after a peace. Various Acts allowing sugar to be used in the distillery.

Acts for regulating the mode of taking averages.—2 G. 2, c. 18.—14 G. 3, c. 64. —17 G. 3, c. 44, sect 2.—21 G. 3, c. 50.—26 G. 3, c. 53.—29 G. 3, c. 58.—31 G. 3, c. 30.—33 G. 3, c. 65.—41 G. 3, c. 10.—44 G. 3, c. 109.—45 G. 3. c. 86.

so long as the system of restraining importation and encouraging exportation was persevered in, Great Britain not only supplied herself, but exported much; and that the prices were steady and moderate: and that since that system was abandoned, and during the whole period of the continuance of the system that was substituted in its place, of encouraging importation and restraining exportation, that is from 1765 to the present time, Great Britain has not only supplied herself, but has imported vast quantities from foreign countries; and also that the price has been progressively advancing, from an average of *33s. 3d.* for 68 years under the old system, to an average of 88*s.* 11*d.* for the last nine years under the new one."

That this observation should have found a place in the Report, must astonish gentlemen who will take the trouble of attending to the statement now submitted to them. In the first place, there was no change of system whatever in 1765. The permanent laws regulating the export and import of corn at the prices established by the 22d Ch. 2, as to the importation, and by the 1st of Wm. and Mary as to exportation, remained unaltered till 1773. The Acts passed from 1765 to that year were merely temporary, intended only to meet existing scarcity.

This allegation of the committee must have been made upon mere rumour, which I know had been prevalent; for it is directly contrary to the fact, of which the committee had the means of informing themselves. It has certainly been a received opinion, that we became a considerably importing country, in consequence of a change of system in 1765; but it will be seen by the annexed account,* that in the 28 years from 1765 to 1792, when our difficulties commenced, there were 14 years in which the exports of wheat exceeded the imports, five in which they were nearly equal, and nine

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* An ACCOUNT of the Quantity of British Wheat and Wheat Flour exported from England, and of Foreign Wheat and Wheat Flour imported into England, in the following years:

YEARS.	British Wheat and Flour exported.		Foreign Wheat and Flour imported.	
	Quarters.	Bushels.	Quarters.	Bushels.
1697 -	14,698	6	400	0
1698 -	6,857	1	845	0
1699 -	557	2	486	3
1700 -	49,056	5	4	6
1701 -	98,323	7	1	1
1702 -	90,230	4	0	0
1703 -	106,615	4	50	0
1704 -	90,313	5	1	6
1705 -	96,185	1	0	0
1706 -	188,332	3	77	1
1707 -	74,155	1	0	0
1708 -	83,406	3	86	4
1709 -	169,679	7	1,552	3
1710 -	13,924	1	400	0
1711 -	76,949	0	0	0
1712 -	145,191	0	0	0
1713 -	176,227	0	0	0
1714 -	174,821	1	15	7
1715 -	166,490	2	0	4
1716 -	74,926	1	0	0
1717 -	22,953	7	0	0
1718 -	71,800	0	0	0
1719 -	127,762	4	20	1
1720 -	83,084	2	0	0
1721 -	81,632	6	0	0
1722 -	178,880	1	0	0
1723 -	157,719	6	0	0
1724 -	245,864	6	148	2
1725 -	204,413	3	12	2
1726 -	142,183	3	0	0
1727 -	30,315	3	0	0
1728 -	3,817	0	74,574	2
1729 -	18,993	3	40,315	2
1730 -	93,970	7	75	7
1731 -	130,025	2	4	0
1732 -	202,058	4	0	0
1733 -	427,199	0	7	4
1734 -	498,196	4	6	5
1735 -	153,343	5	9	1
1736 -	118,170	0	16	5
1737 -	461,602	0	32	4
1738 -	580,596	4	2	5
1739 -	279,542	4	22	7
1740 -	54,390	4	5,468	5
1741 -	45,416	7	7,540	2
1742 -	293,259	6	0	7
1743 -	371,431	3	2	5
1744 -	231,984	5	2	0
1745 -	324,839	5	5	6
1746 -	130,646	2	0	0
1747 -	266,906	7	0	0
1748 -	543,387	5	385	0
1749 -	629,049	0	382	0
1750 -	947,602	1	279	5
1751 -	661,416	4	3	0
1752 -	429,279	4	0	0
1753 -	299,608	7	0	0
1754 -	356,270	1	201	0
1755 -	237,459	2	0	0
1756 -	101,936	4	5	0
1757 -	11,226	0	130,343	2
1758 -	9,233	6	19,039	7
1759 -	226,426	0	82	1
1760 -	390,710	4	0	0
1761 -	440,746	2	0	0
1762 -	294,500	0	56	2
1763 -	427,074	3	8	1
1764 -	396,537	5	1	1
1765 -	167,030	0	89,642	5
1766 -	165,953	1	9,387	0

only in which the imports exceeded the exports.

The assertion that the prices have been progressively advancing for 68 years, is too loose to admit of a correct examination, as the period alluded to, shewing the commencement and termination of that number of years, is not stated; but it may safely be insisted upon, that in no term of that duration has there been a progressive advance of price; which will appear from the accompts from Eton College.† The assertion is indeed plainly contradicted by the tables in the very page of the Re-

YEARS.	British Wheat and Flour exported.		Foreign Wheat and Flour imported.	
	Quarters.	Bushels.	Quarters.	Bushels.
1767 -	5,071	0	444,029	0
1768 -	7,433	1	272,307	6
1769 -	49,892	1	2,903	1
1770 -	75,400	5	15	2
1771 -	10,477	0	2,509	0
1772 -	6,974	0	27,114	0
1773 -	7,802	0	57,786	0
1774 -	16,731	0	278,039	2
1775 -	90,413	0	575,250	0
1776 -	220,210	0	21,568	0
1777 -	90,932	0	233,905	0
1778 -	146,637	0	106,616	0
1779 -	232,925	0	5,254	0
1780 -	250,434	0	4,242	0
1781 -	117,247	0	162,278	0
1782 -	163,579	0	81,259	0
1783 -	56,502	0	584,014	0
1784 -	99,039	0	215,817	0
1785 -	141,394	0	107,968	0
1786 -	215,102	0	50,999	0
1787 -	126,960	0	60,245	0
1788 -	89,731	0	149,667	0
1789 -	146,951	0	109,762	0
1790 -	33,822	0	219,351	0
1791 -	74,968	0	463,591	0
1792 -	300,278	0	22,417	0
1793 -	76,869	0	490,398	0
1794 -	155,048	0	327,902	0
1795 -	18,839	0	313,793	0
1796 -	24,679	0	879,200	0
1797 -	54,522	0	461,767	0
1798 -	59,782	0	396,721	0
1799 -	39,362	0	463,185	0
1800 -	22,013	0	1,264,520	0
1801 -	28,406	0	1,424,766	0
1802 -	149,304	0	647,664	0
1803 -	76,580	0	373,725	0
1804 -	63,073	0	461,140	0
1805 -	77,959	0	920,834	0
1806 -	29,566	0	310,342	0
1807 -	24,365	0	400,759	0
1808 -	77,567	0	81,466	0
1809 -	31,278	0	448,487	0
1810 -	75,785	0	1,530,691	0
1811 -	97,765	0	292,038	0
1812 -	46,325	0	129,866	0

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† *Prices of Wheat per Quarter at Windsor Market.**

YEARS.	Prices of Wheat at Windsor, 9 Gallons to the Bushel.			Prices of Wheat reduced to the Winchester Bushel of 8 Gallons.			Average of 10 Years according to the Winchester Bushel of 8 Gallons.		
	£.	*s.*	*d.*	*£.*	*s.*	*d.*	*£.*	*s.*	*d.*
1646 -	2	8	0	2	2	8			
1647 -	3	13	8	3	5	5¾			
1648 -	4	5	0	3	15	6¼			
1649 -	4	0	0	3	11	1¼			
1650 -	3	16	8	3	8	1¾			
1651 -	3	13	4	3	5	2¼			
1652 -	2	9	6	2	4	0			
1653 -	1	15	6	1	11	6¾			
1654 -	1	6	0	1	3	1¼			
1655 -	1	13	4	1	9	7½	2	11	7¾
1656 -	2	3	0	1	18	2¾			
1657 -	2	6	8	2	1	5¾			
1658 -	3	5	0	2	17	9¼			
1659 -	3	6	0	2	18	8			
1660 -	2	16	6	2	10	2¾			
1661 -	3	10	0	3	2	2¾			
1662 -	3	14	0	3	5	9¼			
1663 -	2	17	0	2	10	8			
1664 -	2	0	6	1	16	0			
1665 -	2	9	4	2	3	10¼	2	10	5¾
1666 -	1	16	0	1	12	0			
1667 -	1	16	0	1	12	0			
1668 -	2	0	0	1	15	6¾			
1669 -	2	4	4	1	19	5			
1670 -	2	1	8	1	17	0½			
1671 -	2	2	0	1	17	4			
1672 -	2	1	0	1	16	5¼			
1673 -	2	6	8	2	1	5¾			
1674 -	3	8	8	3	1	0½			
1675 -	3	4	8	2	17	5¾	2	0	11¾
1676 -	1	18	0	1	13	9¼			
1677 -	2	2	0	1	17	4			
1678 -	2	19	0	2	12	5¼			
1679 -	3	0	0	2	13	4			
1680 -	2	5	0	2	0	0			
1681 -	2	6	8	2	1	5¾			
1682 -	2	4	0	1	19	1½			
1683 -	2	0	0	1	15	6¾			
1684 -	2	4	0	1	19	1¼			
1685 -	2	6	8	2	1	5¾	1	2	4¼
1686 -	1	14	0	1	10	2¾			
1687 -	1	5	2	1	2	4½			
1688 -	2	6	0	2	0	10¾			
1689 -	1	10	0	1	6	8			
1690 -	1	14	8	1	10	9¾			
1691 -	1	14	0	1	10	2¾			
1692 -	2	6	8	2	1	5¾			
1693 -	3	7	8	3	0	1¼			
1694 -	3	4	0	2	16	10¾			
1695 -	2	13	0	2	7	1¼	1	19	6¾
1696 -	3	11	0	3	3	1¼			
1697 -	3	0	0	2	13	4			
1698 -	3	8	4	3	0	9			
1699 -	3	4	0	2	16	10¾			

* These are the Prices of Mealing Wheat; which is understood, at Eton College, to be of a middling quality.

port (6) opposite to the one in which it is made, and in page 5, the one being a continuation of the other.

YEARS.	Prices of Wheat at Windsor, 9 Gallons to the Bushel.			Prices of Wheat reduced to the Winchester Bushel of 8 Gallons.			Average of 10 Years according to the Winchester Bushel of 8 Gallons.		
	£.	*s.*	*d.*	*£.*	*s.*	*d.*	*£.*	*s.*	*d.*
1700	2	0	0	1	15	6¾			
1701	1	17	8	1	13	5¾			
1702	1	9	6	1	6	2¾			
1703	1	16	0	1	12	0			
1704	2	6	6	2	1	4			
1705	1	10	0	1	6	8	2	2	11
1706	1	6	0	1	3	1¼			
1707	1	8	6	1	5	4			
1708	2	1	6	1	16	10¾			
1709	3	18	6	3	9	9¼			
1710	3	18	0	3	9	4			
1711	2	14	0	2	8	0			
1712	2	6	4	2	1	2¼			
1713	2	11	0	2	5	4			
1714	2	10	4	2	4	9			
1715	2	3	0	1	18	2¾	2	4	2¼
1716	2	8	0	2	2	8			
1717	2	5	8	2	0	7¼			
1718	1	18	10	1	14	6¼			
1719	1	15	0	1	11	1¼			
1720	1	17	0	1	12	10¾			
1721	1	17	6	1	13	4			
1722	1	16	0	1	12	0			
1723	1	14	8	1	10	10¾			
1724	1	17	0	1	12	10¾			
1725	2	8	6	2	3	1¼	1	15	4¾
1726	2	6	0	2	0	10¾			
1727	2	2	0	1	17	4			
1728	2	14	6	2	8	5¼			
1729	2	6	10	2	1	7½			
1730	1	16	6	1	12	5¼			
1731	1	12	10	1	9	2¼			
1732	1	6	8	1	3	8½			
1733	1	8	4	1	5	2¼			
1734	1	18	10	1	14	6¼			
1735	2	3	0	1	18	2¾	1	15	2
1736	2	0	4	1	15	10¼			
1737	1	18	0	1	13	9¼			
1738	1	15	6	1	11	6¾			
1739	1	18	6	1	14	2¾			
1740	2	10	8	2	5	1½			
1741	2	6	8	2	1	5¾			
1742	1	14	0	1	10	2¾			
1743	1	4	10	1	2	1			
1744	1	4	10	1	2	1			
1745	1	7	6	1	4	5¼	1	12	1
1746	1	19	0	1	14	8			
1747	1	14	10	1	10	11½			
1748	1	17	0	1	12	10¾			
1749	1	17	0	1	12	10¾			
1750	1	12	6	1	8	10¾			
1751	1	18	6	1	14	2¾			
1752	2	1	10	1	17	2¼			
1753	2	4	8	1	19	8½			
1754	1	14	8	1	10	9¾			
1755	1	13	10	1	10	1	1	13	2¾
1756	2	5	2	2	0	1¾			
1757	3	0	0	2	13	4			
1758	2	10	0	2	4	5¼			
1759	1	19	8	1	15	3			
1760	1	16	6	1	12	5¼			
1761	1	10	2	1	6	9¾			
1762	1	19	0	1	14	8			
1763	2	0	8	1	16	1¾			
1764	2	6	8	2	1	5¾			
1765	2	14	0	2	8	0	1	19	3¼
1766	2	8	6	2	3	1¼			
1767	3	4	6	2	17	4			
1768	3	0	6	2	13	9¼			
1769	2	5	8	2	0	7			
1770	2	9	0	2	3	6¾			
1771	2	17	0	2	10	8			
1772	3	6	0	2	18	8			
1773	3	6	6	2	19	1¼			
1774	3	2	0	2	15	1¼			
1775	2	17	8	2	11	3¼	2	11	3¾
1776	2	8	0	2	2	8			
1777	2	15	0	2	8	10¾			
1778	2	9	6	2	4	0			
1779	2	0	8	1	16	1¾			
1780	2	8	6	2	3	1¼			
1781	2	19	0	2	12	5¼			
1782	3	0	6	2	13	9¼			
1783	3	1	0	2	14	2¼			
1784	3	0	6	2	13	9¼			
1785	2	14	0	2	8	0	2	7	8½
1786	2	7	6	2	2	2¾			
1787	2	11	6	2	5	9¼			
1788	2	15	6	2	9	4			
1789	3	3	2	2	16	1¾			
1790	3	3	2	2	16	1¾			
1791	2	15	6	2	9	4			
1792*				2	13	0			
1793				2	15	8			
1794				2	14	0			
1795				4	1	6	2	14	3¾
1796				4	0	2			
1797				3	2	0			
1798				2	14	0			
1799				3	15	8			
1800				6	7	0			
1801				6	8	6			
1802				3	7	2			
1803				3	0	0			
1804				3	9	6			
1805				4	8	0	4	1	2½
1806				4	3	0			
1807				3	18	0			
1808				3	19	2			
1809				5	6	0			
1810				5	12	0			
1811				5	8	0			
1812				6	8	0	Average of 8 Years		
1813				6	0	0	5	1	9¼

* From this Year, inclusive, the Account at Eton College has been kept according to the Bushel of Eight Gallons, under the Provision of the Act of 31 G. 3, c. 30, sect. 82.

The accompt recorded in Eton College is the most correct authority that can be found on the subject; on reference to that, the mistake the committee has fallen into respecting the progressive advance of prices will be most apparent and striking. The record begins with 1646.

	s.	d.
Wheat, 10 years to 1655......	51	7¾
to 1665......	50	5¾
to 1675......	40	11¾
to 1685......	41	4¼
to 1695......	39	6¼
to 1705......	42	11
to 1715......	44	2¼
to 1725......	35	4¾
to 1735......	35	2
to 1745......	32	1
to 1755......	33	2¾
to 1765......	39	3¼
to 1775*.....	51	3¾
to 1785......	47	8½
to 1795†.....	54	3¾
to 1805......	81	2½
8 years to 1813‡...	101	9¼

The averages thus brought out relieve me from any further comment on the unfounded assertion of the committee, respecting the progressive advance in the prices of wheat; because they shew that wheat was cheaper at the end of a period of 140 years than at the beginning of it, namely, from 1646 to 1785, in no part of which had there been a progressive increase: after the passing that mischievous Act (as it has been called), in 1773 the average fell to 47*s.* 8½*d.* which is below that of the 20 years from 1646 to 1665.

The year 1812 is produced as an instance of our becoming an exporting country, from the prices which continued advancing, and a statement is made to prove that. Wheat was that year 128*s.*; to what part of the world (except to Iceland and Norway in small quantities) could it be sent at that price: in truth, little or none was exported any where, with that exception, but for our armies in the peninsula, as will be seen in the separate account for that year presented from the Customs.

That the importation was greatly short of what was wanted for our home consumption, is most evident from the prices; for corn was never at any time so dear here as in the last year, not even in the years of dearth 1801 and 1802.

To consider that year therefore as one of great export is most extravagant. But this year of plenty, when the average price of wheat was, as has been observed, 128*s.*, is however proposed to us as an instance of the advantage of a restricted importation, and to prove, beyond all doubt, which of the two systems, a free or a restricted trade, is the best; and to corroborate most conclusively the general inference from the review of the corn laws and the corn trade from 1670 to the present time.

But before I quit this paragraph in the Report, I must call the attention of the House to the assertion here made in another shape of the invariable insufficiency of supply from our home growth from 1764 to 1812.—If the hon. baronet would have consulted the accounts of the exports and imports, to which I have already alluded,* he would have found that in 1765, 1766, 1769, 1770, 1771, 1776, 1778, 1779, 1780, 1782, 1785, 1786, 1787, 1789, and 1792, the exports exceeded the imports.—And that in 1772, 1773, 1781, and 1788, the balance against the imports was trifling. In the remaining eight years of the period the imports certainly exceeded considerably the exports.

In the concluding observation respecting corn, the committee say it appears to them, that "if the regulating price for allowing importation is made a very high one, it is the best possible protection the grower can have." Here I agree with them (almost the only instance in the whole Report).

The committee were not satisfied with the attempt to make wheat very dear; but in the conclusion of their Report, they recommend a measure which would deprive the consumer of his best resource in a time of great scarcity, by prohibiting altogether the importation of flour; thereby intending to put us entirely into the hands of the miller.

It is perfectly well known that our supply from America is nearly confined to flour, as wheat is too bulky an article to admit of importation, except in very inconsiderable quantities; and that in times of great scarcity we have had an abundant supply of flour.

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* In this interval the scarcity was so great, as to have been the occasion of 20 laws having been passed for relief in different ways.

† In this period our unexampled difficulties began.

‡ Three of these were years of almost famine, and during the whole, such interruptions as were without example.

* See Table in p. 681.

But we are told that such a prohibition exists in Ireland.—Why, Sir, such a measure may be a very innocent, or even an useful one, in a country where the supply of grain is so abundant as to render it unnecessary almost at any time to import; but it would be a most mischievous one here. It is said, however, the millers would like it; of that there can be no doubt; but without running into the common-place prejudices against them, I do not think they are the class of his Majesty's subjects who stand most in need of the protection of the legislature.

To support this proposition, however, the committee insert in the appendix a paper from some millers in Lancashire, stating gravely that a prohibition of the importation of flour is necessary, in order to ensure a supply of bran for the manufactures. Sir, I should be ashamed of wasting the time of the House in attempting to prove that we should not incur the risk of starving the men who work in the manufactories in order to ensure a supply of chaff. I should indeed be inexcusable if I were to do so, as the resolution is not yet again brought forward.

I come now to the Resolutions, which are as extraordinary as the facts and arguments on which they are founded.

The one for allowing a free export is not in the Report, as has been already observed.

The 1st proposes the repeal of the 44th of the King.

The 2d, that the averages shall be taken and returned in Ireland as in England.

The 3d, that the exportation of grain shall be regulated by the aggregate average price of grain in England, Scotland, and Ireland; a very considerable innovation, calling for particular attention; the effects of which, if adopted, I shall have occasion to examine presently.

The 4th and 5th excited a great degree of alarm; and I think with very just cause. It was by these proposed, that there should be no restraint upon the export till wheat should be 90*s.* 2*d.* a quarter, and other grain in proportion; and that till wheat should be 105*s.* 2*d.* a quarter, and other grain in proportion, the importation should be subject to a prohibitory duty. This is reduced in the present Resolutions to 84*s.* both excluding the Irish average, which would add 6*s.* to each.

I have already stated, that a great rise in the prices fixed by parliament for regulating exportation and importation appeared to me highly objectionable; and I know Mr. Pitt was prevailed upon reluctantly to concur in those which were enacted in 1804: but here is a proposition at once nearly to double the amount of the protecting price for exportation, and nearly to treble that for importation, instead of increasing by a few shillings a quarter, as in former instances.

The import prices now proposed, it is admitted, are more moderate, but appear to me to be still much too high, and ought not to be adopted, as before observed, without a patient enquiry; these are 27*s.* a quarter higher than in 1804, and 40*s.* higher than in 1791. A rise to that extent in 23 years!

By the Act of 1804, wheat could not be exported when above 54*s.* By the Report, it was proposed, the export should not be restrained till it should be 90*s.* 2*d.* which, in effect, would be under the proposed regulation, of including Ireland in the average, till it should be 96*s.* 2*d.* a quarter. This is demonstrable, because the average of Ireland in the last 21 years was 66*s.* and in England 78*s.** The importation is to be subject to a duty of only

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* An Account of the Average Prices of British and Irish Corn per Quarter, from 1792 to 1812, inclusive.

YEARS.		English Wheat per Quarter.		Irish Wheat per Quarter.		Average of Great Britain and Ireland per Quarter.	
		s.	*d.*	*s.*	*d.*	*s.*	*d.*
1792	-	42	11	37	5	40	2
3	-	48	11	44	11	46	11
4	-	51	8	51	9	51	9
5	-	74	2	61	0	67	7
6	-	77	1	60	8	68	10
7	-	53	1	42	7	47	10
8	-	50	3	45	2	47	9
9	-	67	6	61	4	64	5
1800	-	113	7	99	2	106	4
1	-	118	3	88	1	103	2
2	-	67	5	52	1	59	9
3	-	56	6	49	4	52	11
4	-	60	1	58	0	59	0
5	-	87	10	69	2	78	6
6	-	79	0	67	7	73	4
7	-	73	3	67	9	70	6
8	-	79	0	76	7	77	9
9	-	95	7	78	2	86	11
1810	-	106	2	78	5	92	4
11	-	94	6	70	5	82	6
12	-	125	5	108	3	116	10

Average of	Ireland - - - -	66*s.*
	England - - - -	78*s.*
	Great Britain and Ireland	72*s.*

6*d.* by the Act of 1804, when the price shall be 56*s.* By the Report it would not be importable at the lowest duty till it should be 135*s.* 2*d.*; allowing for the Irish average, which would at least be 141*s.* nearly three times the limit of 1804.

It is true, that the prices here quoted were to be in force only till February in this year; from which time the averages were to be taken according to the prices in the preceding twenty years, which, for the present, would have made very little difference. The average of the last twenty years is 77*s.* 4*d.* to which adding one-seventh, as proposed by the committee, the price for allowing export would be 88*s.* instead of 90s. 2*d.* and for import, adding five-sevenths to 77*s.* 4*d.* as proposed, it would be 132*s.* 7*d.* instead of 135*s.*, which prices would not certainly be lower for some time to come; probably never, if the proposed measure should be adopted; as in many years of the period of twenty years they were lower than even in the late plentiful season, and the immense prices proposed would infallibly raise them in future: but any further comment upon that proposition is unnecessary, as it is not again brought forward.

Not satisfied with the powerful effect of their own statements to induce us to adopt a measure calculated to allow a free export, and to prohibit an import of grain to the extent of the prices stated, they call to their support the testimony of four witnesses, very respectable in their characters I am persuaded, and three of them appear to be intelligent on the circumstances with relation to which they speak, deserving certainly of great attention if the enquiry had been confined to Irish agriculture; but not bearing on the general corn trade of the whole empire, it will be necessary for me only to call the attention of the House to the opinions they express about protecting prices, and to a few of their statements.

Mr. Wakefield, when asked, what advance in the importation price would be sufficient to secure an adequate preference to the grower of corn in any part of the United Kingdom over the foreign grower? answers, "I hardly think I can answer that question, not having considered it lately."

Mr. Killaly thinks 42*s.* a barrel, about equal to 70*s.* a quarter, when delivered in Dublin, would be a fair protection to the grower. Let it be remembered, that the protecting price proposed was 141*s.* In another part of this gentleman's evidence, he says, the price of labour is little increased, but that rents have been doubled in ten years; to pay which he thought 70*s.* a quarter sufficient. The proposal, therefore, of 141*s.* as a protecting price, is utterly inconceivable. In Tullamore, land increased 50*l.* per cent. in ten years.

Mr. Callaghan was not prepared to say what would be a protecting price, but thinks, what would have been a protecting maximum in 1804, would be a starving price now.* In another part of his evidence, he says, however, that the advantage derived to tillage, by a free export of grain from Ireland to foreign countries, might be purchased too dearly under certain circumstances.

Mr. Grierson thinks, that the price in the Dublin market should be 50*s.* a barrel, equal to about 83*s.* a quarter, for the best sort of wheat.† He is also of opinion, that the land now in tillage might be made to produce one half more. And all the witnesses agree that the growth of wheat has increased, and that tillage has been extended.

I here close my observations on the Report; which, from the detail I have felt myself compelled to enter into, I am afraid may have been tiresome to the House. But it appears to me to be of high importance that the mis-statements of the committee (made involuntarily I am persuaded) should be corrected, not only as they may otherwise influence the conduct of members of this House, but for the purpose of counteracting the mischief which has been done by their having been adopted as correct throughout the country.

What occurs to me further upon the general subject, I will state as briefly as I can.

I have brought under the notice of the House the protecting prices recommended by the committee, and have shewn not only how disproportionate they are to any former instances, but how much higher they are than the witnesses examined by the committee think would be sufficient.

If we refer to another authority, which the advocate for high prices will not object to, it will appear, that those in the Report are higher than are sufficient to meet the great and rapid increase of rents. I allude to Mr. Curwen, who I may be permitted to name, as he is no longer a member of the House; a gentleman whose attention to every part of this subject has not been exceeded by any one; nor do I believe there is an individual in this country who values more highly than he does the importance of encouraging agriculture, as opposed to promoting manufactures; under an impression on his mind, that the latter should not for a moment be put in competition with the former; persuaded that the stoppage of manufactures, generally speaking, would have no important consequences, nor would be lastingly felt, conceiving, as he did, that the individuals engaged in the manufactories would in a short space of time fall into other channels of employment. He has stated those opinions both in parliament and in print, for which no blame can be imputable to him, because I am sure they are sincere; nor do I refer to them for the purpose of combating them, which it would not be fair to do in his absence; but I think it a duty to shew, that the views of a most zealous agriculturalist are more limited than those of the committee, for protecting the growth of corn. In his Address to the Workington Society in 1811, he tells them, "that the exorbitant rents which have been given for land, do not appear to be warranted, as long as the corn laws remain as they are. Sixty-six shillings, the rate at which importation may be made, is now greatly too low; it ought at least to be 80*s.*"

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* Which can be accounted for only by the rapid rise of rents.

† Probably not exceeding 80*s.* for middling wheat.

Where there has been any alteration in the rents in the last two or three years, I believe they have fallen; the exorbitancy alluded to by Mr. Curwen must, I think, have prevented any rise in them. We see, then, the price he thought would be a protecting one against importation, was 61*s.* a quarter below that of the committee, as their 135*s.* would have become 141*s.* by including Ireland in the average. It is now proposed to be 90*s.* including the Irish average; which is still 27*s.* higher than 1804, and 40*s.* higher than in 1791, when the whole subject was most fully considered, first in the privy council, and afterwards in parliament.

My own view of the subject is, that the grower of corn should be very effectually protected, to the extent of the price being high enough to ensure his being able to pay a fair rent, and to have a reasonable profit to himself; but when that object shall be secured, the consumer should then have every possible facility of supply at a price not exceeding the protecting one.

In this I have the good fortune to agree with the committee of privy council, who, in the conclusion of the Report to the King in 1790, afterwards presented to this House, say, "That in forming the regulations then suggested by them, they had endeavoured equally to provide for the prosperity of the grower of corn, and the necessities of the consumer. The interests of the grower and consumer are supposed by some to be at variance: to reconcile them as much as possible, is the end which every wise government should endeavour to attain. The interest of the consumer is entitled to the first consideration, so far as to preserve him, in every possible contingency, from scarcity and distress; and as distress for want of this necessary article of subsistence cannot long exist in any country without exposing it to those commotions which frequently happen in times of dearth, it is not likely that the grower of corn would enjoy the fruits of his industry in safety, unless due attention is paid to this first and capital object: but this point being once secured, the interests of the grower should, in the next place, occupy the particular attention of the legislature. The production of corn is the first and most important occupation of the subjects of every country, and on its success rests the main support and prosperity of every other trade: for the sake of the consumer, therefore, the most liberal encouragement and protection should be given to those employed in it; for without offering proper incitements to their industry, plenty can never be procured; for these reasons it will be found, perhaps, on due consideration, that the interests of the grower and consumer, well understood, are less at variance than at first they may appear. In the advice which the committee have thought it their duty to offer to your Majesty, they have aimed at discovering the point of union at which these interests meet; and they humbly refer to the judgment of your Majesty how far they have accomplished the object they had in view."

Consistently with these opinions, it appears to be desirable in the first place to come to a determination what the prices should be at which importation should be allowed and exportation restrained; taking it for granted that no one now entertains the remotest idea of an entirely free trade in corn, which would be equally mischievous to the grower and consumer.

Whatever deference may be due to the opinions of eminent writers on this subject, I do not believe that in the present state of things any one will be found to recommend that measure. The low value of land and wages of labour in the northern parts of the continent, occasion the prices of corn to be generally so much cheaper there than here, as would enable the merchant, after paying ordinary freight and insurance (especially in peace), to sell at prices here below what the British farmer could afford to pay his rent at; this is decisive against a free import. There have been no importations from Dantzig for a considerable time, but the last average price I have seen was 36*s.* 3*d.*; and the charges from thence into the port of London are now 26*s.* which in the war were 82*s.** I am however not aware how the present measure of allowing a perfectly free export, and creating additional difficulties in the way of import, can be considered as consonant with the opinions of authors who recommended a free trade in corn.

If there shall be no restraint on export, corn may in a time of scarcity be sent out of the country to some other places where the want may be more urgent than here, and so the price be enhanced beyond all possible means of the labourer and manufacturer purchasing. We are told, however, that this is not likely to occur, because such places may be supplied from the north of Europe; but we know from experience, that a scarcity has not unfrequently happened at the same time throughout this quarter of the world.

Without regarding that consideration, it is proposed that the export shall be completely free, but that the import shall remain fettered with difficulties and disadvantages as at present, and under prices greatly increased.

The determination respecting prices should of course depend upon the rents the farmers pay; but whether that should be according to the exorbitant rents alluded to by Mr. Curwen, or according to more moderate ones, I am afraid it will be difficult to settle; even if those should be insisted upon, I am inclined to believe, on enquiry of the most intelligent and experienced surveyors in valuing estates at the time Mr. Curwen wrote, that the price of wheat at 80*s.* a quarter, would afford a sufficient protection to the grower.

Under the existing laws the export is free from all embarrassment as soon as the price falls below the prescribed limits; but it is not so with regard to importation; in the way of that there are great discouragements and difficulties, even with ports in Europe: and impossibilities respecting supplies from the Black Sea, from whence quantities to almost any extent may be had, when the navigation is not interrupted by the Turks.

This arises from the system established for regulating the import; the prices are taken according to the averages of the preceding six weeks, and the returns, which are to guide the importation, are sent to the ports every three months; after which the importers are exposed either to a prohibition or a high duty.

The supply of wheat in times of scarcity is principally from Poland. The foreign market is governed chiefly by the London prices. We have been considered as the consumers of the surplus produce of that country; and when England has drawn deeply, it has been procured from the interior: the quantities to be had at the shipping ports on the continent at any given time, are seldom considerable. The proprietors of the great estates in Poland are not in the habit of sending large supplies to the coast in quest of buyers; preferring to keep their produce on their own estates to hazarding a precarious sale for it at the sea-side. Corn cannot therefore be had immediately on its being written for from hence, when the demand is pressing.

In late years it was hardly possible to write to Dantzic, Bremen, or Koningsberg to get the cargo here in time; the uncertainty of doing so must indeed at all times be considerable. From Odessa, and neighbouring ports, through which immense supplies might be derived from Poland, by the Bog, the Dniester and the Dnieper, it would be hopeless to attempt an importation. It would therefore require that the period should be extended.

It may be worthy of consideration, whether the averages should not be taken annually in the latter end of December to govern the importations for a year; be-

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* In War.		Now.	
Shipping Charges	- 10*s.*	Insurance - - -	2*s.*
French Licence	- 10	Freight - - - -	14
Insurance - -	- 17	Shipping Charges	- 10
Freight - - -	- 45		
	82*s.*		26*s.*

cause, by the close of the year, a judgment might be formed of the scantiness or abundance of the preceding harvest.

That may be objectionable, but some extension of the time seems to be necessary. It would also be a highly beneficial measure to permit corn to come here freely at all times from all places, and in ships of any country with which we are in amity, as other provisions may now be brought, instead of being restrained to British ships, or ships of the country from whence the importation is made; for however friendly I have been throughout my public life to the interests of our navigation, I think the supply of the people a higher consideration than a temporary suspension of the 12th Ch. 2, to an inconsiderable extent.

Any new facility of this sort, or of additional protection to warehousing, could not be said to be injurious to farmers, while it would be the best protection against monopoly, and the best security against the ill consequences of a scarcity.

Nor would such regulations be likely to operate against our exchange, as the grain would probably be sent here on foreign account, and would not be paid for by us, except in the event of necessity obliging us to take it out for home consumption: we should likewise derive considerable advantage from various sources, of commission, landing charges, warehouse rent, re-shipping, &c. &c. In which case it would possibly be prudent not only to give up the duties on warehousing, but to give further encouragement to it.

The committee of privy council in 1791 strongly recommended the measure of warehousing; they say, "There is no regulation in our system of the corn laws that is more beneficial, and more deserves therefore to be extended and improved, than those provisions that permit the warehousing of foreign corn. This regulation tends to secure to us a very important branch of commerce; it enables our merchants, who receive corn from the Americans in payment of their debts, to lodge it here, either for the home or foreign market, as occasion may require; it is also the only method of forming magazines of a public nature in this country against times of distress and scarcity, without prejudice to the British farmers and growers of corn." The report then goes on to recommend that the measure shall be carried into effect by the public defraying the expence of warehouses and officers. What the committee of privy council allude to with respect to the Americans, applies to all foreigners who take our manufactures*. This has been carried into effect by the law of 1791, except as to relief from warehouse rent and low duties.

As the Irish average, as now proposed, is to be included, it will be worthy of consideration, whether provision should not be made for putting the British and Irish consumer on the same footing; to compensate the difference of the average, which, in a period of 21 years selected by the committee, has been shewn to be 12*s.* in Ireland below that of Great Britain.

The average in Great Britain	78*s.*
Do. in Ireland - - - - -	66*s.*
Average of United Kingdom	72*s.*

The adoption of that average would necessarily operate very unequally upon the respective countries; as in Ireland when wheat would be cheaper by 12*s.* a quarter than in Great Britain, no more duty would be chargeable than in England; while the effect of including in this measure the Irish average with the British would deprive the English consumer of the advantage of importing foreign corn at a low duty.

The committee tell us "that if the regulating price for allowing the importation of corn is made a very high one, it will be the best possible protection the grower can have;" and they at the same time recommend most strongly, that the free exportation "of it should be allowed to all countries till the price becomes what may be considered a very high one."

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* In another part of the same Report there is the following passage: "In other countries magazines are formed by their respective governments, or by the principal magistrates of great cities, as a resource in times of scarcity. This country has no such institutions. The stores of corn are here deposited in the barns and stacks of wealthy farmers, and in the magazines of merchants and dealers in corn, who ought by no means to be restrained, but rather encouraged, in laying up stores of this nature; as, after a deficient crop, they are thereby enabled to divide the inconvenience arising from it as equally as possible through every part of the year; and by checking improvident consumption in the beginning of scarcity, prevent a famine, which might otherwise happen before the next harvest. The inland trade of corn ought therefore to be perfectly free," &c.

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All this is very good for the grower, but what becomes of the consumer? The labourers and manufacturers, and not only those, but others in the lower ranks in life, and a large proportion in the middling ranks also, have endured, with patient resignation, the most severe and trying privations in unexampled years of scarcity; looking forward, with hope, to better times; ought we then by any measure of ours to frustrate that hope? Or ought we not rather to give them every possible facility of supply, consistently with the interest of the grower, where that shall be necessary and attainable? I am compelled to say, that their interests appear not to have been sufficiently attended to in the Report.

Independently of considerations of humanity, we should not be carried away by the arguments in favour of agriculture exclusively, however important it is to attend to those, and with all due respect for the opinions coinciding with Mr. Curwen's, it must be admitted that the manufacturing interests in this country deserve the most attentive and watchful care of the legislature, not merely for the sake of the industrious and meritorious work-people, a sufficiently strong one, but to counteract as far as we can the cheapness of labour in other countries, arising principally from more moderate prices of corn.

In the Report of the Committee of Privy Council, before referred to, it is observed, "that the condition of the country labourer certainly requires that the price of corn should be low, that he may be enabled by his wages to purchase what is necessary for his subsistence as soon as the price of wheat passes 48*s*. The legislature have thought it their duty to attend to the necessities of the poor, and to encourage the importation of foreign wheat by allowing it at very low duties." This statement was in 1791; and in 1813 it was proposed to give them no protection by importation till the price (including the Irish average) should be 141*s*. a quarter!! nearly three times the limit previous to 1791. The present proposal of 90*s*. appears to be still much too high; it is considerably higher than the witnesses examined by the committee, and Mr. Curwen, thought necessary.

Now I have a firm persuasion, as I have before stated, that the interests of the grower and of the consumer, rightly understood, are by no means incompatible; but in the Report of the committee, all consideration is for the grower; high prices were their leading, if not their sole object; and the mode of obtaining it is subject to very little uncertainty, which we may learn from experience.

The limits for exportation and importation were not altered from 1688 to 1773: From 1715 to 1765 the averages taken at ten years were below 40*s*.; during the greatest part of that time below 36*s*. as has been shewn; whereas in the eight years previous to 1773, till which year the new system did not take place, the average became so high as 2*l*. 10*s*. 10*d*. in the two years to 1765 it had risen to 44*s*. 6*d*. inclusive*. In 1773 the price limited for export, as has been shewn, was 44*s*., which in 1688 was 48*s*. and in the eighteen years from 1774 to 1791 inclusive, when the next alterations took place, the average was 2*l*. 9*s*. 8½d.; something less than in the eight years preceding.

In 1791 the complete revision of the corn laws took place, aided by the report already alluded to by the committee of privy council for the affairs of trade; the whole subject was then most fully considered; many of the laws which had long been in force were repealed, several new provisions were made; and it was enacted, that when wheat was under 44*s*. it should be exported on a bounty of 5*s*. and that when it was above 46*s*. there should be no export; and if under 50*s*. there should be a prohibitory duty on importation; but if above 50*s*. and under 54*s*. on a duty of 2*s*. 6*d*.; and if at or above 54*s*. on a duty of only 6*d*.

These regulating prices continued till 1804, during which period the average of the thirteen years was 3*l*. 14*s*. 5½*d*.

In 1804, the last Act, regulating prices, was passed: under this law, there was a restraint of the exportation of wheat when it should be above 54*s*; here was an increase of 8*s*. above 1791, a greater advance than had ever before been made; and the average, from 1805 to 1813, inclusive, was 5*l*. 0*s*. 3*d*. In these two last periods there certainly were years of scarcity, and most unusual difficulties in the way of importation; but with all due allowance for those occurrences, the increase of the averages were most extraordinary. May it not then be asked, if it took place to that amount, on a rise of a few shillings on the export price, as fixed by law, what might have been expected from a rise of 42*s.* at once; that is, from 54*s.* to 96*s.*; 90*s.* nominally, but becomes 96*s.* by adding the Irish average? And may I not still ask, what may be now expected from the operations of the resolutions moved by the hon. baronet this afternoon?

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* See Note to p. 684.

Hitherto I have confined my observations to the care of the immediate consumer; but ought we to exclude from our minds the effect that would inevitably be produced on our poor rates, and the price of labour; in truth, no very small proportion of the latter is in many instances paid out of the former; I mean when the labourer has more young children than it is possible for him to maintain from his weekly wages; the allowance made to paupers out of the work-house is generally according to the price of the quartern loaf. The whole charge incurred for the poor would, I think, be estimated low at 6,000,000*l.* The money actually expended for their support in 1803, was 4,267,000*l.*[*], since which, in many parishes, the rates, from the pressure of the times, have been nearly doubled. It must be apparent, therefore, that the price of bread is of considerable importance to those who contribute to the maintenance of the poor, as well as to the lower and middling classes of society. The effect of that on the price of labour is not less evident, the one ought to rise with the other; labour became much higher in 1799 and 1800 with the dearness of corn, and it has been reduced in many parts of the country since the price of bread has fallen.

There are however other considerations which press strongly on my mind: I allude to the revenue, and to the consumers of beer and other articles produced from grain: the first belongs more immediately to my right hon. friend, the Chancellor of the Exchequer; but it should not be held to be a light one, in the present time especially, when the produce of some of our taxes may be affected by fraudulent practices on the return of peace.

The import price of barley under the Act of 1804 was 31*s.* 6*d.* the Report recommends its being raised to 54*s.* 2*d.* a difference of more than 22*s.* a quarter. I believe somewhat more than three barrels of beer is brewed from a quarter of malt; but rating it at only three barrels, an addition of 5*s.* a quarter would make an increase of 1*s.* 8*d.* a barrel, and consequently an eventual rise of 20*s.* a quarter of malt would add at least 6*s.* 8*d.* a barrel to the price of strong beer, equal to two-thirds of the duty now payable on the article: as the brewer would however naturally indemnify himself for his additional capital, the rise of 20*s.* a quarter in barley would operate to nearer 3-4ths than 2-3ds of the duty; from 3-4ths to about one penny a quart on porter. A reference to accounts will shew, that this is not a mistaken view of the subject. Grain was at its highest price in 1813; and in that year the duty on strong beer was about 240,000*l.* less than in 1812: and on a comparison between 1813 and the average of the three preceding years, the result would be nearly the same; and the price to the consumer was raised considerably.

Important as this consideration is, as to the brewery, it is not the only one we should have in our contemplation; because, in proportion to the high price of malt, the temptation offers itself to use other and cheaper ingredients instead of it.

Such practices have been in use for more than a century, in times when grain was at extremely low prices[*]. Laws have been passed for the prevention of them, and for the punishment of the offenders; but detections in this case are extremely difficult; notwithstanding which, convictions for using drugs in beer are perhaps more frequent, proportionably, than in any other excisable commodity. The fraudulent brewer has a further inducement to use the forbidden articles than the cheapness of them, as he is thereby enabled to get rid of the compare which the officer makes of the quantity of beer brewed with that of malt used; and I ask, ought we then lightly to add greatly to the inducements that persons who have no regard for their character have for using noxious articles instead of malt?

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[*] It appears by a return to parliament, that the whole sum raised in that year by poor's rates, was 5,348,000*l.* the difference was paid for militia, highways, &c.; this charge is more than double the amount of the average of 1783-4 and 5, and more than treble that of 1776. With these facts before us, my conjecture of 6,000,000*l.* must be thought much below the real amount.

[*] By the 13th of W. 3, ch. 5, sugar, honey, foreign grains, Guinea pepper, liquor, or syrup made from malt and water (beer druggists it seems were then known), Coculus Indiæ, and other unwholesome materials, were prohibited to be used. The prohibition of these articles was further enforced by statutes in the reign of queen Anne, in which acts broom and wormwood were included. These protections for the health of the people, and against frauds on the revenue, were, however, found so ineffectual, that a law was passed so lately as in 1802, 42 G. 3, ch. 38, sect. 20, increasing the penalty from 20*l.* to 200*l.* for using noxious and unwholesome drugs, vitriol, grains of Paradise, opium, &c. and at length enacting, that no ingredients shall be used in making beer except malt and hops.

I shall not be suspected, I am sure, of meaning to convey the remotest reflection on any of those carrying on manufactories of beer, who are protected equally by their characters, and by their being above temptation; but that the practices continue to prevail, the numerous convictions, both in the summary jurisdiction and in the Exchequer, afford a certain proof of.

If we look to the distillery, the importance to the revenue will be found to be not less: the increase of 20*s.* a quarter on malt would, I think, be 1*s.* a gallon on spirits.

Now, it seems to have been generally admitted, that it is desirable to have the duty on this article carried as high as it can be, without lessening the consumption. If, therefore, the price of grain raises the cost of the spirit 1*s.* a gallon, to that extent the revenue, when malt is used, must suffer. I know I am supported in these opinions by a person of the very best experience in the revenue of excise; and in the latter case, not only by him, but by persons most conversant in the manufacture. In Scotland and Ireland the private distillation is chiefly from grain, but in England from sugar and molasses, chiefly the latter. In proportion, therefore, as the price of barley and malt is increased to the entered distiller, the profits to the fraudulent one would be increased. If I am right in my estimate of 1*s.* a gallon, it would be nearly 300,000*l.* a year on corn spirits.

My right hon. friend cannot be ignorant of the frauds to which I allude, in that branch of the revenue; they are, I believe, trifling in England, compared with what they are in Scotland and in Ireland; but even here I should, on conjecture, estimate them from 1-6th to 1-8th of the consumption of the country.

The losses to the revenue I have here stated, and of increased prices to the consumer, are on a supposition of the prices of grain being raised to those proposed by the hon. baronet, which will certainly not invariably be the case; but the measure is avowedly to obtain high prices for grain, and in proportion as that shall succeed, the consequences above referred to will follow.

Here again I call upon the House to consider whether we should not be cautious of putting the revenue to so much hazard, and of offering such strong inducement to the fraudulent manufacturer to attempt an escape from the duty. The estimates here suggested are made on the prices recommended by the committee; those now proposed by the hon. baronet are about one third lower; to that extent, therefore, the mischief apprehended will be less.

Let me next ask if the landed gentlemen will have all the advantages from the high price of corn that are held out to them? I have already noticed the effect that would inevitably be produced on the poors' rates, and the price of labour, by dearness of grain, and that in many instances the increased price of bread directly raises the price of labour.

We are told, however, the farmer wants further encouragement to induce him to produce more grain, and the owner of the soil to put more land in tillage, of which no proof is adduced; but we have strong presumptive evidence to the contrary. In the ten years from 1801 to 1811, our population in England alone* increased 1,448,000: in that period the average excess of importation above exportation of wheat was 586,814 quarters; but in that period are included two years of the greatest scarcity ever known in this country. Excluding those, the average excess of importation of the other eight years was 388,789 quarters. If we look to the 27 years from 1773 (the year in which the Act was passed which has been so much exclaimed against) to 1799 inclusive, we shall find the excess of imports above the exports on an average to be no more than 140,000 quarters annually;† within which period we had not only an immensely increasing population to provide for, but great numbers of the labouring classes acquired the habit of using the best wheaten bread, who before consumed flour from rye or barley, or a coarser sort from wheat: and considering how large a proportion of those classes have little other food than bread, it is not wonderful they should supply themselves with that of the best quality.

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* I state the increase of the population in England only, because the accounts of imports and exports of grain are confined to England.

† For these quantities see Note to p. 681.

If, with the knowledge of these facts, we reckon the consumption at only a quarter a head annually, according to the common computation, which I am persuaded is rather below the quantity, it will be seen to what an immense extent our tillage must have been increased in late years.

The number of Inclosure Acts have also been on the increase for some time past; and notwithstanding the immensely high prices, which have offered a strong inducement to the extension of tillage, the land now in cultivation is capable of very great improvement. Mr. Grierson, a gentleman intelligent in Irish agriculture, tells us, that land in tillage might be increased one half. And Mr. Curwen, in the publication (before alluded to) in 1811, says, "I cannot say how much I have been astonished with the appearance of the country from Ferry-bridge to Newark: this, with little exception, is as fine a corn district as any in England; but how wretchedly cultivated! The rents not half what are paid in the Lothians; the soil equal, &c." And in another part of the same work, the author, who is a very competent judge, tells us, "the cost of a good and bad crop is nearly the same; the profit in a failing crop is little, if not attended with loss; the injury to the land, much and certain." If then the extraordinary encouragement offered by prices in a time of famine, were not a sufficient inducement to increase the quantity of corn produced, which might have been effected to a great extent at little or no additional expence, what rational expectation can be entertained that any additional rise of prices, computed on ordinary occurrences, will tempt persons to put large parcels of new land into tillage, (attended with an infinitely larger expence than the improvement of existing cultivation) beyond the advantages they already have. But if large quantities of land now uncultivated, or in pasture, shall be brought into tillage, may not the present grower look upon that as injurious to him by lowering the prices?

The Committee hold out, to captivate one description of people, an expectation that by increased cultivation bread will become cheap; and to another, that by raising the prices of importation and lessening those for exportation, corn will be dearer; the attempts made to reconcile these two objects can hardly mislead any one, notwithstanding the very ingenious arguments used; at the time those are urged, it is acknowledged that high prices is the object in view; and we know from experience that must be obtained by the means proposed.

Fully aware of the difficulty of the subject on which I have troubled the House at so much length; I have considered it most deeply; and if I am not greatly mistaken, the land owner will profit by the measure in an infinitely smaller proportion than the labourers in agriculture and in manufactures; and the class of society next above those, will suffer from it.

The former have in most instances been partially, at least, indemnified by an addition to their wages, or in some other way; but the others have not, and indeed could not have been, to any extent. These descriptions of people have borne the pressure with a degree of patience that cannot be too highly commended; ought we then, as soon as we are blessed with a plentiful season, to turn short upon them, and to adopt a measure which is to render it certain, as far as the interposition of the legislature can be effectual, that the price of bread shall permanently be above double what it was before the unexampled miseries of the late war were inflicted upon us?*

Other points which have been thought of some importance are also entirely left out of sight, both in the Report and in the Resolutions. Nothing is suggested respecting some permanent provision to ascertain when it shall not be allowed to distil from grain; a measure loudly called for to prevent speculation and uncertainty, equally mischievous to the manufacturer and to the revenue: nor is any mention made of giving facility to importation, when by law this should take place.

I trust enough has been said, to convince every one that a more comprehensive view of the subject should be taken before so great a change in our corn laws is acquiesced in. Let me repeat that we are called upon to give up, on the mere suggestion of the hon. baronet, the regulations restricting the export of corn at all times, and under whatever circumstances of distress we may be in, without bestowing an hour of our time to enquire whether an alteration of that magnitude is fit or not; which regulations commenced in an early period of our history, and have been varied according to circumstances in every reign since; even in the time of the Commonwealth.

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* The price of the quartern wheaten loaf, for a series of years before 1794, fluctuated from 6*d.* to 7½*d.*; the price for importation, as proposed to be regulated, is 90*s.* a quarter, which would make the quartern loaf 13½*d.*

In support of the other Resolutions regulating the export and import trade in corn of the whole empire, it is true we have a report from a committee; but such a one as I believe this House has never yet acted upon. Let me ask gentlemen, if they think they ought to risk such consequences as have been pointed out on the miserable authority they have before them, full of errors and mistakes, and with no other evidence than that of two or three gentlemen, whose means of information are confined to the agriculture of Ireland.

The infinite importance of a full enquiry would well warrant a delay till the next session, when, in a time of settled peace, it might be entered upon more satisfactorily, and with a better prospect of success, than we can entertain a hope of at present.

I earnestly intreat, therefore, for the credit of the House, and for the satisfaction of the country, we may not take this Report for our guide, but proceed in a manner consistent with the infinite importance of the subject. I will detain the House no longer; but I cannot sit down without offering my thanks for the attention with which they have honoured me.

Sir *Henry Parnell* felt extremely obliged to the right hon. gentleman for having given him an opportunity of fairly meeting his arguments on the merits of the Report. Since that Report had been made, the right hon. gentleman had taken every occasion to deliver observations on the statements contained in it, similar to those which he had just addressed to the House. He (sir Henry) now stood forward, boldly and fearlessly, to defend that Report, and to contend, that all the facts and statements which it comprised, with only one exception, were perfectly correct. He was sorry that the right hon. gentleman had not been a member of the committee which drew up that Report. If he had been so, he was ready to declare, that his services would have essentially assisted their labours. But the House would recollect, that, when the committee was first appointed, its only object was to examine the corn laws of Ireland; and, when it was afterwards suddenly proposed to extend its investigation to the corn laws of this country, those members who were added to it, were, perhaps, selected without due consideration. The right hon. gentleman had observed, that his (sir Henry's) object, and the object of the Report, was to raise and to keep up the price of corn and of bread. He disclaimed any such object—he did not propose his Resolutions with a view to any permanent increase of the price of corn—nor, in truth, could they have any such effect. There was this distinction to be made throughout the whole question, which the right hon. gentleman had either not comprehended, or, if he did comprehend, he had not the candour to state it, that though, in the first instance, it was intended to maintain the prices of grain, for a time, at what they now were, and so far to keep up the price of bread; yet, as the effect of the measure would be to encourage tillage, and to promote the growth of corn, by which means a greater supply would be obtained, it must finally occasion a reduction of the price. The measure he proposed went simply to this object—to operate an increase of produce, in the first instance, and, in the second, as a necessary consequence, to lessen the price in the market. There was no proposition before the House, as the right hon. gentleman seemed to suppose, for continuing the price of corn, at any particular standard. And, if he had stated correctly, what was mentioned in the Report relative to the price of wheat at 105*s.* he would have seen that no intention was ever entertained, of continuing it at that rate. The reasoning of the Report was this: after examining the Act of Charles 2, and pointing out its effect, the committee say, that, if the House of Commons should think proper to proceed on the principle of that Act, they must take a price equivalent to that adopted in the statute of Charles; that price was 53*s.*; and 105*s.*, in the present day, appeared to the committee as not more than equivalent to 53*s.* at the former period. The price named by the committee was therefore nothing more than conditional. "If," said they, "the House consider it right to adopt the principles of a law, which has operated beneficially for the public, they should take that price which the difference of the time demands."—No member of the committee intended to give an opinion on the subject, But, rather than take a sum at hazard, they selected that which experience sanctioned, and therefore 105*s*. was mentioned. He did not, however, mean to say, that this was the rate which ought to be acted on now. On the contrary, he thought that price should be adopted which met the concurrent opinion of the House and of the public at large.—A reasonable price ought to be agreed upon—one that would secure to the consumer an efficient supply of grain, and afford such a proper remuneration to the grower, as would prevent him from sustaining injury. In the resolution the price was taken at 84*s*.; and here he wished to observe, that all the parties who petitioned the House on the subject, must be satisfied that their representations were attended to, and had met with proper consideration. In the Petition of the inhabitants of Newcastle, 105*s*. per quarter was complained of as too high a price—and, in compliance with that statement, he, for one, was willing to take it at 84*s*. being 21*s*. lower; and, if that were still found too high, he was ready to concur in whatever the House might consider proper. Another assertion of the right hon. gentleman was, that the committee wished to fix a regulation price upon corn. But it by no means followed, because they pleased to name a price, under which foreign corn should not be imported, that therefore the price of corn, at home, must necessarily come up to it. The average price in England and Wales, was 73*s*. per quarter. Now, did the right hon. gentleman mean to say, that if no corn could be imported, without paying duty, until the price rose to 84*s*. that this system would increase the price at home? (Mr. Rose said, No, no.) Then, if the right hon. gentleman admitted that it would not, he abandoned one of the strongest objections which he had advanced against the committee. The present low price, 73*s*. per quarter, was the result of last year's abundant harvest; and he understood the quantity of corn was so great throughout the country, that it was not likely to rise in consequence of any measure they might adopt. On the contrary, a further reduction in price might be expected. As to the propriety of a free export, though the right hon. gentleman did not coincide in his opinion, yet he was by no means singular in his view of the subject. The right hon. gentleman had stated his firm belief, that it would be attended with evil consequences; but every individual with whom he (sir Henry Parnell) had conversed on the measure, expressed himself favourable to it. On other branches of the subject he had found a great variety of opinion; but it did so happen, that, on the benefits to be expected from a free export, he met with one concurrent feeling. The right hon. gentleman himself was the only person he ever heard speak against the adoption of that principle. The right hon. gentleman had stated that there were no less than one hundred and thirty laws on the subject of the corn trade, which the committee should have examined. Now what was the line the committee took? They did not begin by examining those Acts which related merely to internal trade. They were, he believed, very numerous; but, as they referred principally to the storing and warehousing of corn, it would have been ridiculous to enter upon an investigation of them; though, undoubtedly, they were of importance at the time they were passed. They had, however, examined with attention the Act of Charles 2, and all such others as were essentially important. The eulogium passed by the committee on that Act was transcribed by Adam Smith. The right hon. gentleman had discovered, that in the statement of average prices from 1646 to 1666, contained in the Report, an error was committed. But he should have recollected, that it was impossible to get any document on this subject, referring to the twenty years previous to 1666, from the Custom-house. The committee were therefore obliged to put up with such authorities as were within their reach; and, in looking to the corn tracts of Mr. Smith, he thought they had selected the very best. The right hon. gentleman next found fault with that part of the Report which was supported by the authority of Mr. Chalmers. Here, again, the objection appeared unfounded, since it could not be disputed that Mr. Chalmers's work was one of great accuracy and research. The right hon. gentleman objected to the distinction which the committee had made between the two systems—that formed by the old laws, and the system now pursued under those at present in being. The alteration, he said, took place in 1773, but though it was not finally adopted until this period, it was introduced in 1765, by annual laws. The right hon. gentleman complained of the statements of average exports and imports, under the two systems of law, which the committee had made. Now, although he had denied the fact, there was the best proof to shew, that for 68 years prior to the year 1765, there was an average increase of exports—but, since that time, there had been a regular average increase of imports. The Report might be incorrect, as to a year or two—but it was perfectly correct as to the entire period. The right hon. gentleman, to support his argument, had gone into a statement of the average prices, under the old and new system. But when he made the inferences he had done, he must have supposed that the House would rather trust to his opinion, than to their own comprehension of what they could themselves learn. On referring to the Report, they would find the following table of average prices, from which the deduction was self-evident, the accuracy of which was indisputable:

	Average Prices.	
	s.	*d.*
For 68 years, prior to 1764, under the Act of Charles 2.	33	3
From 1764 to 1794	44	7
From 1794 to 1803	65	8
From 1803 to 1812	88	11

Here, then, was a gradual increase in price, the consequence of acting on a system diametrically opposite to that established by the Act of Charles 2, and which proved, that the committee, in recommending a recurrence to that principle, were borne out by facts. The right hon. gentleman had thought proper to state, that if the House adopted 84*s.* per quarter, the quartern loaf would be double the price it was in 1794. But this was not a fair way of stating the effect which the non-permission to import corn till it arrived at 84*s.* per quarter, would produce. It was not right or fair to go back to so distant a period, and, at the same time, to leave out of consideration altogether, the great change which had taken place in the value of money. If he would enter into a calculation of the real value of a quartern loaf, and compare it with the altered value of money, he would find, that the quartern loaf is cheaper now at 11½*d.* than it was in 1794 at 7*d.* His general feeling seemed to be, that the House was not yet sufficiently in possession of the subject, to act upon it.—Now admitting, for argument sake, that the Report was inaccurate, let the right hon. gentleman recollect that it was submitted to parliament near a twelvemonth ago, and that several debates had taken place on it. Within the last five or six years, also, it should be remembered, other committees had sat (one for instance on the West India interests, and another on the distilleries) in which it was absolutely necessary that the corn trade should be minutely examined. The subject had, besides, been before the public during the whole of the last year, and was amply discussed in various periodical works. In point of fact, therefore, no gentleman, who wished to make himself master of the subject, could, with justice, complain that he had not the fullest opportunity of doing it. He always considered it a subject, not so much of evidence as of principle; and the question of principle, which was the most important, could not be learned from depositions, but from those circumstances, which every man had it in his power to observe. He hoped, therefore, that the House would now come to a decision, and declare distinctly what should be done, since every person who spoke on the question seemed to think that some alteration was necessary in the existing system. As he had always avowed himself the friend to a free trade, he now wished to state the reasons which induced him, by placing certain restrictions on the importation of corn, to deviate from that principle. If the corn and commodities of this country were on a level with those of the rest of Europe, he should then think it unnecessary to introduce an artificial system. But the price of corn in England had risen higher than in any other country in Europe, in consequence of the interruption of late years of our communication with the continent, and formed an exception to the general rule. The advocates of a free import of corn rested their arguments on the authority of Dr. Adam Smith. But if that learned man could now give an opinion on the subject, it would, he was convinced, be extremely different from that to be found in his works. He stated, that corn being a very bulky article, and its removal, of course, very expensive, it was not likely to be imported in such quantities as would operate prejudicially to our growers; but that manufactures being compact, and not difficult to be shipped, would, if permission were given, be imported to such an extent as must interfere with our manufacturers. But, with respect to his first position, the character of the country was changed; for corn could now be brought from Poland and other countries so cheap, that, notwithstanding the freight, it could be sold at a lower rate in our market, than that produced by the English growers. The opinion of Dr. Smith did not, therefore, apply to the present time.—Another argument of Dr. Smith's was this—the proportion of foreign corn imported, he says, being only a five hundred and seventy-first part of the whole quantity consumed, a free import cannot be injurious. But the foreign corn imported for the last ten years was, on an average, 700,000 quarters, or about one twenty-fifth part of the consumption of Great Britain, and in some years it had been two millions of quarters; and, therefore, his reasoning is not now applicable. He has also said, were all nations to govern themselves by a liberal policy, it would be their interest to have a free trade in corn, for the same reason that it is the interest of every country to have a free trade throughout its provinces; but, as the practice is quite different, it follows, of course, that this reason in favour of a free trade must fall to the ground. But the main argument on which the advocates for a free importation rest their opinion is, that of Dr. Smith's in support of a general system of a free trade. But Dr. Smith does not himself apply this reasoning to the corn trade; and, if it is minutely examined, it will be found not to justify its perfect freedom in the present state of things. It is commonly supposed that the whole value of this principle consists in this—that you ought always to buy whatever commodities you want wherever you can buy them cheapest. But this is not all—the consequences of buying cheap, as explained by Dr. Smith, must be duly attended to. If you buy an article from a foreign country, which can be made and brought from that country cheaper than you can afford to make it, he says you will apply your capital to greater advantage if you employ it on some object of industry, which you can make cheaper than foreign countries, than if you entered into competition with them where they have great natural advantages over you—you will add more to your industry, to your annual produce, to the sum of your national wealth. This reasoning of Dr. Smith has in view alone what will most contribute to the wealth of the country. When, therefore, his reasoning is applied to the corn trade, it must be so applied, under the limitation that the question to be decided is, whether a free or a restricted importation will most advance our national wealth. Now let us examine what the operation of a free importation of corn would be upon the industry, the annual produce, the wealth of the country—always keeping in mind, that the state of our agriculture has been brought to what it is by the peculiar circumstances of the times, and that the prices have been raised much beyond the level of the rest of Europe, in consequence of the restricted intercourse with the continent—it is obvious, the immediate effect must be a still greater fall of price, a most injurious extent of loss to all our farmers, a great diminution in the demand for agricultural industry, a decrease of our annual produce, and, consequently, in the amount of our general wealth. It may be said, but the wealth of the country will not diminish, because our manufactures will flourish in as fast a degree as the agriculture may decline. It is no doubt true, that as corn will be excessively cheap; as the produce of grass-land will also be very cheap, in consequence of the quantities of tillage land that will be sowed with grass-seeds; as the imports of foreign corn will produce great exports of manufactures, so will the wealth of the country, arising from manufacturing industry, be increased. But then this question arises—whether it is a wise and politic course to take, to obtain a great increase of manufacturing wealth, by an equal diminution of that depending on agriculture?—whether, in legislating on the corn trade, it is right only to look to what will render the country somewhat richer?—whether any sound system of policy can justify the general derangement of all that vast stock of labour, skill and capital, which is vested in agriculture, for the uncertain result of adding, in some measure, to the general wealth of the country?—A wise policy will recommend no such course, and, therefore, shews that doctor Smith's principle of a free trade, having merely in contemplation what is best calculated to give the greatest possible degree of wealth, is not applicable to this question.—In looking further into his writings, it will be found, that he states three exceptions which may be made to his general rule—the first, when a commodity of our growth is essential to our security as a state. He illustrates his reasoning by reference to the Navigation Act—which Act, though he praises it as the wisest law in our statute-book, as contributing to our means of defence, he shews also to be very injurious to our commercial prosperity.—Corn, then, being an article of indispensible necessity for our subsistence, in proportion as we habituate ourselves to depend on a foreign supply, we expose ourselves to the greatest risk and danger to be brought under subjection to some foreign state.—The second exception of Dr. Smith's is, when an article of domestic produce has been made subject to internal taxation—he says, in such a case, it is fit to impose a duty on the importation of the same article from foreign countries, which shall be equal in amount to our own tax. Now, as some part of the price of corn is made up by our taxes, in that degree it will be justifiable to impose a duty on the importation of it, according to Dr. Smith. The third exception is, when a particular trade has for some time been protected by a restraint on importation—he says it would be very unjust, and exceedingly ruinous, suddenly to restore a free trade. This applies to the case of the corn trade, which has been greatly protected by the peculiar circumstances of the times. The general inference, therefore, to be drawn from the writings of Dr. Smith is, that at this particular time, and under the peculiar circumstances of the corn trade, the restraint which it is proposed to place on the importation of foreign corn is in every respect perfectly justifiable.—It had been argued, that the projected alteration would increase the price of corn, and that the consequence would be such a rise in the rate of wages, as would prevent England from entering into a competition with the manufacturers of other countries.—With respect to this apprehended increase of the price of corn, he thought he had said enough to shew, that the alteration would decrease, instead of enhancing the value of that article—and, as to the other point, he had every reason to believe, that the rate of wages did not vary with the price of corn, but with the demand for labour, and the number of persons who offered themselves. This was proved by the evidence on the Orders in Council. It there appeared, that, when the price of corn was low, wages were frequently high, and *vice versa*. This sufficiently proved the fallacy of the assertion to be found in some of the manufacturing petitions, that, if the price of corn were raised, the value of labour would keep pace with it. Many gentlemen supposed that this could never become an exporting country. He thought very differently, and he rested his opinion on the statements of men who perfectly understood the subject. He alluded to the Irish merchants, who, if the liberty were granted to them, would open markets for the produce of this country, in every quarter of the world. They were most anxious to embark in the trade, from which they had been long debarred—a privation by which they had lost considerably. He (sir Henry Parnell) was informed by one of those persons, that last autumn he could have taken orders, to any amount, for the Brazils; but the existing system prevented him. It was very curious to remark, that, while corn was a mere drug in Ireland, in Jamaica they were so much in want of it that the inhabitants had addressed the Prince Regent on the subject. Thus, while there was a glut in one quarter of the empire, there was a complete scarcity in another. This measure would, therefore, produce a more fair and even average price than had been known since the permission to export corn was removed. It had been frequently urged, that we ought to import a great deal of corn, to enable us to export large quantities of manufactures; but the House ought to consider what goods were exported to the Poles or other foreigners, and what were consumed in Ireland. If gentlemen would take the trouble of looking to the tables, they would find, that, as far as Ireland had supplied this country with corn, she took manufactures in return; but this could not be said of foreign states. In short, the true way of viewing the subject was, to allow this country a full, fair, and unfettered right to enjoy the utmost benefit of her manufactures; while Ireland should be considered as an agricultural country, capable of supplying the wants of the manufacturers. And surely, it was not asking too much of this country to purchase corn from Ireland in preference to Poland.

Mr. *Rose*, in explanation, observed, that he never said any thing so absurd as what had been attributed to him respecting the prices. He had said, that whenever the legislature had interfered to raise the prices, those of the markets invariably got up. He did not either wish or expect the hon. baronet to go through the 130 Acts; he had only said, that there were about 30 of the number which the committee ought to have looked into.

Sir *Henry Parnell* was ready to admit, that in some parts of his speech he had misunderstood the right honourable gentleman.

Mr. *Frankland Lewis* was of opinion, that, under every sense of justice and national interest, the House should proceed upon this subject with the utmost caution. It had come to his knowledge, that there were opinions abroad, that the committee had been influenced by sinister motives; that they had separate interests to attend to; that the Report was calculated to grant a sort of protection which should put money into the pockets of the corn growers at the expence of the poor; that they thought more of this particular interest at the time, than of the interest of the public at large. These insinuations were additional reasons why the subject should have the most fair and deliberate discussion, in order that such partial suspicions might be done away. It was not consistent with justice, that protections and monopolies should be allowed to one class of persons at the expence of another, any attempt of the kind would of necessity fail. This measure, placing an obstacle in the way of the importation of corn, could not fail to raise the price of it. It would have no effect at all, or it would do this. If the price of corn were increased, the necessary, though not the immediate consequence was, that the price of labour would also be increased, and an advance in the prices of manufactures would follow; so that when the farmer went to market, met by increased charges every where, his 90*s.* would in effect be no better than his fifty now. From the increase in the price of corn, he would derive no real advantage. He would be no richer than he was before; and the same causes which made it of no benefit to the farmer would also affect the landlord in a similar way. It had been said, there had been an abundant supply of corn when its importation was prohibited; but these circumstances, though co-existent, did not stand in the relation of cause and effect to each other. The change which had occurred, he principally ascribed to the vast increase of our population, which in the reign of king William 3, amounted to but five millions and a half. In the succeeding century up to the year 1755, it increased but about one million. From the year 1760, up to the date of the tables before the House, it appeared to have been raised from six millions and a half to twelve millions and a half. Taking this into consideration, on a view of the imports, it appeared that agriculture had greatly increased in this country; and looking to the returns of the last ten years, the supply thus obtained was six times greater than that produced within a corresponding period in the first half of the last century. He had heard no argument that at all induced in him a belief that any benefit could result from the proposed measure. The question was involved in so much of doubt and difficulty, that the House ought well to pause before they came to a decision. Never before had they been called to decide a question of so much importance on such meagre information as they had yet received on this subject. Nothing could be more dangerous than rashly to interfere with the prices of provision. It was almost impossible that they could have devoted themselves to an inquiry into the corn laws (as they ought to do before they ventured to alter them), while such events were passing as had fixed their attention for the last 18 months. The return of peace (and he hoped of plenty) would afford the fittest opportunity for entering into the inquiry. The Bank Restriction Act was to cease six months after the conclusion of a peace; and when the Bank resumed cash payments, it might be expected that corn would sink to its bullion price—that it would fall from 73*s.* to about 54*s.* As the state of the currency might so materially affect the question, he thought the consideration of this subject ought to be deferred. This reason alone would be sufficient to make him vote against the resolution; as, before a new settlement with respect to the corn laws was made, it was desirable that a settlement with the Bank should take place.

The *Chancellor of the Exchequer* felt the force of many of the arguments which had fallen from the last speaker. He admitted the question respecting our currency to be of great importance respecting our foreign trade. He wished the Speaker to leave the chair; as he thought it desirable that the first resolution of the Report should be agreed to, if, in the present instance, they proceeded no further. That carried, the subject could stand over for a time; as he apprehended the present state of the exchanges furnished as great a protection against the importation of corn as the hon. baronet could desire, seeing they were at least equal to a duty of 20*s.* per quarter. This subject had been expected to come on early in the session. Circumstances, over which they had no control, had prevented it. Now it was before them, he hoped the first resolution would be carried. He was of opinion, that a perfectly free trade with the whole world would be best for all nations, but this was that which we could not command. It could only be effected by the general concurrence of all nations. While others thought some restrictions necessary, our measures must have a reference to theirs. He thought our corn exports would not be very considerable till we could afford to sell cheaper than our neighbours; and this, from particular circumstances, he did not think we could do for some time. After some further observations with respect to the scale of duties which it might be necessary to adopt, he concluded by stating the course of proceedings which he wished to recommend. He thought it would be best that they should go into a committee on the Report; and that if the House should be pleased to agree to the first Resolution, an amendment could be moved on the second, and the further consideration of the subject could be deferred till a future day.

Sir *J. Newport*, as the proposition of the right hon. gentleman seemed to meet with the concurrence of the House, did not intend entering into the general merits of the question. He however wished to notice what had fallen from an hon. gentleman (Mr. F. Lewis.) He thought nothing could be more likely to produce the most mischievous effects than any representation of the members of that House which made them appear to have interests of their own to attend to, separate from those of the people. They ought to guard against appearing conscious that such a suspicion was in any way merited. Any man, who suffered his conduct, as a legislator, to be at all influenced by an apprehension that such a view would be taken of his conduct, was, in his opinion, unfit to sit in that House.

Mr. *F. Lewis* explained. He had not supposed such a character belonged to them; but merely stated, that it had come to his knowledge that such an idea had, in some instances, gone abroad.

Mr. *W. Douglas* warmly supported the propositions. It had been supposed, that the measure recommended would raise the price of provisions, consequently the price of labour; and, in the result, prevent the competition of our manufacturers in foreign markets. If, however, it could be shown that those results would not be produced, but, on the contrary, the prosperity of the manufacturers, and the country, would be placed on a surer foundation, he was certain no other recommendation would be necessary to induce the House to acquiesce in the resolutions. There was little fear that the manufacturers of the country would be materially injured by an increased price of corn; they were chiefly produced by machinery; few persons were employed in the fabrication of a great quantity of goods, and therefore a small advance in the price of corn could not alter their value. He would appeal to the period of 1799 and 1801, when provisions were high, yet the manufactures did not decline. When provisions were very cheap, artisans could earn in a few days what was necessary to subsist them for many; they therefore indulged in idleness and dissipation; and when they returned to their labour, they were indisposed to make those exertions which in a regular course of application they were accustomed to make. It had been said, that the capitalists and manufacturers were to be protected against the agriculturists; but, in reality, the House was called on to legislate for the whole of the nation, and not for a particular interest. By reducing the price of corn, the price of labour would also be reduced, and thus the government would lose one source of revenue. By allowing a free and unrestricted importation of corn, the House would put it in the power of foreign nations to lay such a tax on the grain they exported as would just enable them to undersell the English grower, and thereby to levy a revenue at the expence of this country. Hitherto he had considered the question as bearing on the commercial part of the community; he had treated that as the first interest; this was contrary to the fact; of whatever importance the trading interest might be, the agricultural was not inferior. The hon. gentleman then pronounced an eulogy on the agricultural interest, and argued in favour of such a state of things as would place the nation above the necessity of adventitious assistance, and give such a quantity of native produce as would render it independent of foreign countries. These objects, in his opinion, the proposed measure was calculated to effect.

Lord *A. Hamilton* opposed the proposed resolutions. The hon. baronet proposed to increase the growth of corn to such an extent, as would operate to lower the price; in this he supposed the hon. baronet to be sincere; but if he were so, this would go to defeat another of his objects, which was to remunerate the farmer, and protect the landed interest. The propositions contained nothing but self-contradictions; and therefore he could not say whether it was the intention of his hon. friend to raise or lower the price of corn; both objects were professed: but whatever was the object, he was aware that no member could read the Report on the subject then on the table, without being decidedly against the whole of the propositions. The Report recommended the importation of corn from Ireland, to enable a part of the arable land of England to be laid into pasture, for the production of milk and cheese, and meat, so as to be afforded at a more reasonable rate; while one of the chief goods proposed to be received from the Resolutions to be proposed was, the extentension of the growth of corn in England. This was a contradiction; indeed, the measure was made up of them; and if adopted, it would prove in its operation either nugatory or injurious.

Sir *Matthew Ridley* alluded to a petition which he had presented to the House on the subject: he described the unanimity with which it had been adopted, and said he had no doubt it had already produced beneficial effects by reducing the price of grain. He should oppose the Resolutions when proposed, and probably for the same reasons as would induce the hon. baronet to support them—for the benefit of the country, and the landed interest in particular. Corn was the regulator of the price of all other articles of trade and commerce; if the price of corn was raised, the price of labour would be raised also, and then the advance in the price of our manufactures must ensue: this might have the effect of driving them from those markets where they had hitherto been unrivalled. This would destroy a means of national wealth; and if it should induce any of our manufacturers to emigrate to other countries, the number of consumers would be diminished, and the landed interest would essentially suffer.

Sir *N. C. Colthurst* adverted to a petition on the subject which he had presented. All his constituents, as well agricultural as others, agreed that some alteration in the corn laws was necessary. And this opinion he believed was not confined to Ireland, for whose sake alone the House was not called on to act; that which was beneficial to that kingdom was advantageous for this. He would give the Resolutions his most hearty concurrence.

The question was then put, for the House going into the committee, and was carried.

The House having resolved accordingly, the first Resolution, which is as follows, was put and carried:—

1. That the exportation of corn, grain, meal, malt, and flour, from any part of the United Kingdom, should be permitted at all times, without the payment of any duty, and without receiving any bounty whatever.

The following Resolution was then put:

2. That the several duties, now payable in respect of all corn, grain, meal, and flour, imported into the United Kingdom, should cease and determine; and, that the several duties in the following Schedule shall be paid in lieu thereof:—

When imported from the province of Quebec, or the other British colonies in North America:

	Wheat.	Rye, Beans, and Peas.	Barley, Beer or Bigg.	Oats.	DUTY.	
Per Qr.	s.	s.	s.	s.	s.	d.
If under	74	50	37	24	24	3
If at or above ...	74	50	37	24	2	6
but under	77	52	39	25		
If at or above ...	77	52	39	25	0	6

When imported from any other foreign country:

If under	84	56	42	28	24	3
If at or above ...	84	56	42	28	2	6
but under	87	58	44	29		
If at or above ...	87	58	44	29	0	6

N. B. The remainder of the Schedule to be formed according to the principle of the Schedule of the Act of 44 Geo. 3, c. 109.

On this second Resolution,

Mr. *Huskisson* said, he would not trespass on the House longer than was necessary to explain the amendment which he was about to offer. The two grand objects the House had to obtain by the proposed measures were, first, to render the country independent of foreign supply; and, secondly, to keep the price of corn as nearly equal as possible. Under the system which had been pursued for nearly fifty years, the country had been gradually becoming more and more dependant on foreign countries for a supply of grain, and the prices had been kept in a continual state of fluctuation. All this had happened under a system which for nearly sixty years previously had rendered the country nearly independent of foreign supply, and during which period the fluctuation of price had never exceeded one third. Instead of which, during the last fifty years, large importations had taken place, and the fluctuations had exceeded more than three to one, instead of one to three. He would ask the House, what must be the state of that law which had produced those evils, if they had been produced by law, of which there could be no doubt; and whether some remedy was not absolutely necessary? It was impossible to raise the price of labour in proportion to the fluctuating price of grain; and as the agricultural labourers constituted the largest class, and were those whose earnings approached nearest to the amount of that which was necessary to mere existence, any temporary rise in the price of grain was more severely felt by them than by any others; and this evil exhibited itself in augmented poor rates and various other forms. The fluctuation of price was an evil equally to be guarded against with a high price. It was true, the total prohibition of the importation of foreign corn would raise the price; but if he should prove that the proposition he meant to submit to the House, though it might raise the price in a trifling degree, would yet tend to keep it at a steady rate, and not so high as the average of those fluctuations which had taken place of late years, it would not be said that he was one who attended to the landed interest alone. Indeed, it was unjust to suppose that there was any exclusive interest in that House. There all interests were nearly equally represented, and they therefore legislated for all. Notwithstanding all the importance that was attached to the importations of grain, it was well known, that in no one year had more than about one-tenth or twelfth of the whole consumption been drawn from foreign countries. If no foreign corn had been imported, the nation would have saved sixty millions sterling. It might be said, that without this importation sixty millions worth of our manufactures would have remained unsold; but then it is not recollected what those sixty millions would have effected if they had been expended in the improvement of our agriculture; or what increased means of purchasing our manufactures they would have given to the agriculturists. If on being laid out at home they had produced the natural effects, then the country would have added to her means of independence, and have created a market of which no external relations could have deprived her. When the law, permitting the importation of corn, was first passed, there was a great deal of unfounded clamour raised against it; but what had been the effect of that law? Ireland had supplied to England corn, for which she had received several millions that had gone to improve her agriculture, which, but for the law, would have gone to Holland or some other country. The exportations from Ireland were now three millions annually, with the probability of a great increase. Circumstances, over which we had no control, had tended to improve the agriculture of England. Continental exclusion had advanced the cultivation of our own land, and the high prices occasioned by such exclusion, had rendered us independent of foreign aid. Now, when we had paid the price of our independence, and produced a supply equal to our consumption, would it not be wise to prevent any great revolution which would destroy the domestic culture of the country, and render it more dependent than it had ever been? He would not stop to enquire whether it was sound policy to suffer any great country to be dependent on another, for an essential article of subsistence; but it must be obvious, that such an advantage would be readily seized on by any power, and used to the annoyance of the nation that exposed herself to such an evil. If the law was left in its present state, it would not be long before agriculture would go back. The low price of corn, indeed, had caused many labourers to be thrown out of employ, as the farmer was not capable of continuing his improvements. A double evil was felt by the farmer from the decrease in the price of corn. The labourer was thrown out of employ, and became chargeable to the parish; and thus while the farmer had his means diminished, he was called on for additional outlays in the charge of the poor rates. The argument of lowering the rents might be resorted to, but this could not be effected in all cases; it was certainly desirable that they should not go on increasing; but the House would see that in reducing the price of land and corn, the country would sustain a loss of capital. He was in favour of the propositions of the hon. baronet; but he thought they proceeded rather too much on the principle of giving the monopoly of the English market to the English corn-grower. The amendment he should propose would leave importation open at all times, and retain the present price of 63*s.* as that at which the prohibitory duty of 24*s.* 3*d.* should operate, and as the price of corn rose 1*s.* so the duty should fall; as, for example, when corn was at 64*s.* the duty should be 23*s.* 3*d.* and so on; so that at 86*s.* there would be no duty at all. He had only one word more to say; it related to the colonies. It was proposed to lay smaller duties on corn imported from the colonies, than for that imported from foreign countries; but the difference was not great enough; and therefore he would propose to make the duty on corn imported from the colonies half the amount of that imposed on foreign corn. This would promote the growth of it in our own settlements.

Sir *H. Parnell* said, for the sake of unanimity, he would agree to the amendment; but he trusted the right hon. gentleman would feel the extent of the concession.

The *Chancellor of the Exchequer* said, that there appeared little difference of opinion on the subject; but on a question of such importance it was expedient that the House should not come to an immediate decision.

After a few words from Mr. Rose and Mr. Preston, Mr. Huskisson's amendment to the original Resolution, of substituting another schedule, was agreed to.

The schedule then stood thus:

When imported from any foreign country, except the province of Quebec, or the other British colonies or plantations in North America:

	Wheat.		Rye, Beans, and Peas.	
	Price.	Duty.	Price.	Duty.
	s. s.	s.	s. s.	s.
If at or under, per Qr..........	63	24	42	22
	63 to 64...	24	42 to 43...	22
	64 to 65...	23	43 to 44...	21
	65 to 66...	22	44 to 45...	20
	66 to 67...	21	45 to 46...	19
	67 to 68...	20	46 to 47...	18
	68 to 69...	19	47 to 48...	17
	69 to 70...	18	48 to 49...	16
	70 to 71...	17	49 to 50...	15
	71 to 72...	16	50 to 51...	14
	72 to 73...	15	51 to 52...	13
	73 to 74...	14	52 to 53...	12
	74 to 75...	13	53 to 54...	11
	75 to 76...	12	54 to 55...	10
If at or under, per Qr..........	76 to 77...	11	55 to 56...	9
	77 to 78...	10	56 to 57...	8
	78 to 79...	9	57 to 58...	7
	79 to 80...	8	58 to 59...	6
	80 to 81...	7	59 to 60...	5
	81 to 82...	6	60 to 61...	4
	82 to 83...	5	61 to 62...	3
	83 to 84...	4	62 to 63...	2
	84 to 85...	3	63 and upwards	1
	85 to 86...	2		
	86 and upwards	1		

	Barley, Beer, or Bigg.		Oats.	
	Price.	Duty.	Price.	Duty.
	s. s.	s.	s. s.	s.
If at or under, per Qr.......	32	13	21	12
	32 to 33...	13	21 to 22...	12
	33 to 34..	12	22 to 23..	11
	34 to 35...	11	23 to 24...	10
	35 to 36...	10	24 to 25...	9
	36 to 37...	9	25 to 26...	8
	37 to 38...	8	26 to 27...	7
	38 to 39...	7	27 to 28...	6
	39 to 40...	6	28 to 29...	5
	40 to 41...	5	29 to 30...	4
	41 to 42...	4	30 to 31...	3
	42 to 43...	3	31 to 32...	2
	43 to 44...	2	32 and upwards	1
	44 and upwards	1		

And when imported from the province of Quebec, or the other British colonies or plantations in North America, one half of the said respective duties.

The importation of oatmeal, into Great Britain, to be governed as follows: The duty to be paid on each boll to be the same as the duty payable at the time of the importation thereof, on each quarter of oats.

The importation of wheaten meal or flour, into Great Britain, to be governed as follows: The duty to be paid on each cwt. to be one third part of the duty payable at the time of the importation thereof, on each quarter of wheat.

The third Resolution was then read and agreed to, as follows:

"That all foreign corn, grain, meal, and flour, should at all times be imported and warehoused free of all duty, until taken out for home consumption; and should at all times be exported free of all duty."

The House then resumed, the Report was received, and, after a short conversation, was ordered to be taken into further consideration on Friday the 13th; and the Resolutions, as amended, were ordered to be printed.

HOUSE OF LORDS.

Friday, May 6.

SWEDEN AND NORWAY.] Earl *Grey* observed, that, among the papers laid on the table, in consequence of a motion which he had on a former occasion submitted to the House, with a view to ascertain how far the compact between this country and the Swedish government had been executed, he found a return from Mr. Edward Thornton, dated the 6th of June 1813, in which it was stated, that Sweden had at that time about 30,000 men in readiness to perform its part of the contract. But as this return referred only to the commencement of the campaign, and as it was very possible that the king of Sweden had been since deficient in the performance of his engagement, he wished for a return of the troops furnished by that power, up to the latest period at which the same could be made out. Such information he thought necessary with a view to the motion which he proposed to bring forward on Tuesday. He saw from the papers on the table, that the several instalments upon the subsidy which this country had covenanted to pay to Sweden had been regularly discharged; and from this circumstance it might be concluded that the whole of the troops promised by the Swedish government had been supplied. But of this supply he desired information. From the papers on the table, he saw that Guadaloupe had not yet been surrendered to Sweden, although according to treaty it was to have been surrendered on the 1st of August last; and therefore he wished to know whether the non-surrender of this colony was the consequence of Sweden's having been deficient in the performance of her part of the treaty alluded to.

Earl *Bathurst* stated, that his Majesty's government had not received any return of the number of troops which Sweden was to have furnished for the common cause, since that specified in the paper referred to by the noble lord. But government had no reason whatever to conclude, that the number of troops which Sweden engaged to furnish had not at all times been complete. With regard to Guadaloupe, the non-surrender of that colony did not proceed from any non-performance of contract, or from any distrust whatever in Sweden; but simply from this circumstance, that the Swedish government had not made any application for its surrender.

Earl *Grey* conceived that it was the duty of ministers to have obtained that which our agent in Sweden was bound to furnish; namely, a regular account at different periods of the number of troops which Sweden supplied according to treaty. The information contained in the paper on the table stated the number merely ready to support the allies; but there was no information before the House as to the number which actually joined the allies.

Earl *Bathurst* repeated, that the paper on the table stated the number of Swedish troops in readiness on the 6th of June 1813.

Earl *Grey*.—Still the House is uninformed, whether that or what number joined the allied army. From some information that has reached me, I am led to believe that the Swedish contingent was never complete.

HOUSE OF COMMONS.

Friday, May 6.

CAPTAIN MANBY.] Mr. *Rose* called the attention of the House to the claims of this officer for his valuable discovery of the means of saving shipwrecked mariners. In a former committee a variety of strong instances were detailed, in which his invention had proved serviceable; and since that a Report of naval officers had been given, all of whom concurred in expressing their approbation of it. He trusted, therefore, that the House would feel every disposition to concur with him in proposing a further reward to captain Manby. It would be rewarding an invention which not only saved the lives of British seamen, but the lives of seamen all over the world; for it had now become so simple and so easy, that it only required to be known in order to be generally adopted. Captain Manby had invented three mortars of different sizes; the largest would carry a ball, with a rope attached to it, a quarter of a mile; the second would carry it 300 yards; and the smallest, 100 yards. It was true, indeed, that wrecks did not always take place so near the coast as a quarter of a mile; but when it was considered how large a proportion of them happened much within that distance, the practical utility of the scheme would be equally obvious. The largest of the mortars might be carried by two men, in a hand-barrow; the second more easily; and the third might be transported on a man's back. The facility of conveyance, therefore, rendered it easy to have them applied on whatever part of the coast it might be necessary. Captain Manby, however, did not stop here.—It had been found difficult, sometimes, to fire the mortars, on account of the heavy surf. That he had remedied by a very simple process. He had also invented a ladder, which would so greatly facilitate the saving of persons when the wreck happened near the shore, that he would take upon himself to say, that if those ladders had been known when the Halsewell was lost, instead of the 150 who then perished, not one would have been drowned. Captain Manby had spent a great deal of time and property in bringing these discoveries to perfection, and he thought him a fit object for parliamentary reward. He should therefore move, that the papers laid on the table, relating to captain Manby, be referred to a select committee to report thereon, with observations.

Sir *F. Burdett* did not wish to oppose captain Manby's claims; but, from a sense of justice, felt it necessary to mention another individual, Mr. Mallison, who had devised a plan by which many lives had been saved. He understood that all that gentleman's experiments had answered, but he (Mr. Mallison) had only received 100 guineas for his invention. He should hope, when this subject went to a committee, his case would be taken into consideration.

Mr. *P. Moore* had been called out by a gentleman, with whom he had had some conversation, and by whom he had been desired to lay in a claim to this invention in favour of another party. He was informed that a person of the name of Bell was the original inventor of that for which it was proposed to reward captain Manby. This invention he had made known so long ago as the year 1791. The gentleman who had spoken with him authorised him to say that captain Manby's invention was a species of piracy from that of the person he had mentioned. He hoped, that when a petition should be presented from the party setting up this claim, it would be referred to the committee appointed to consider the case of captain Manby.

Mr. *Rose* admitted Mr. Bell to have great merit. He had been a serjeant in the artillery, and he believed had been made an officer for his invention. He however begged to read the report of the committee on it. In this it was stated, that the invention of Mr. Bell, though ingenious, had in no instance proved of much advantage, and was found wholly inadequate when vessels were stranded.

Mr. *P. Moore* had only done his duty in making that statement which he had been requested to make. The petition to be presented was not from lieut. Bell, who was no more; but would be brought forward in behalf of a family which he had left unprovided for.

Mr. *Wynn* wished to know what methods were taking to bring the inventions into general use. He thought it ought to be taken up by government.

Mr. *Rose* said, this might be made the subject of future inquiry. The expence that would attend introducing it at the different stations would not exceed 12,000*l.* It would be a question, whether this should be paid by government, or by the districts or counties? The life-boat, he observed, was found hardly of any use without captain Manby's invention, as it was almost impossible to pull out against the wind.

Mr. *Wilberforce* spoke in very high terms of captain Manby's invention, which had already saved many lives. In such cases there were commonly several persons who claimed to be the inventors of that which met with the approbation of parliament. In Dr. Jenner's case this was seen. Vaccination was asserted to have been known in foreign countries long before; but he thought it became them to reward him who brought the invention into use, whether he was the original inventor or not.

Mr. *Whitbread* concurred with the hon. baronet (sir F. Burdett) in thinking the case of Mr. Mallison ought to go before the committee. A committee of that House had decided, that his invention had great merit, and ought to be adopted. Why it had not been adopted, it remained for the Admiralty to say. Mr. Mallison's plan would not supersede captain Manby's. They were distinct from each other; and if both were at once brought into use, so much the better. Captain Manby, by his exertions, had saved the lives of many. He had sacrificed his fortune, and by his assiduity endangered his life; so that if something were not done immediately, they might shortly have (he, however, hoped it would not be so), as in the case of Mr. Bell, a petition not from him, but from his successors. He hoped, however, he would recover from his present indisposition, and live to reap the reward of what he had by long study and repeated trials brought to a state of real utility, whoever might be the first inventor of it. What the member for Yorkshire had said of the propriety of rewarding him who made an invention of use, exactly accorded with his ideas. That hon. member had truly observed, there were generally several persons who claimed to be inventors of that which was about to be made the subject of a parliamentary grant. He had received two letters from different persons putting forth claims to the invention of a certain rocket belonging to a member of that House. He wrote to colonel Congreve on the subject; and happening to meet him a few hours afterwards, he asked him if he had received his letter relative to the original inventor of the rocket. The colonel replied, there were two of them; and when they had settled who was the first, he would take up the conqueror. Captain Manby's plan had been of most essential service, and referring his papers to a committee had his entire approbation.

The motion was then agreed to, and a committee appointed to consider the said papers, and to report their opinion to the House with their observations.

Colonial Offices Bill.] Mr. *Goulburn* moved the third reading of the Colonial Offices Bill.

Mr. *Bankes* said, the radical fault he found with the Bill was, that its framers had reared it on a very bad model, viz. the Act passed in 1782; and a Bill so framed could do no otherwise than fail in its effect. The framers of the present Bill, however, fancied they had discovered the cause why the Act of 1782 had not been operative in removing the abuses complained of; viz. the mode in which leave of absence was granted to the governors and lieutenant-governors; and to remedy this evil they proposed, that notification of such leave should be sent to the Secretary of State—that was, to the identical office from which most of the appointments in question emanated. Offences against the Act were to be visited by a paltry penalty of 100*l.* and it was supposed that persons would be found to inform against such offences; when, in fact, individuals in possession of data for such informations, could be found only in a class in which it was not more likely than desirable they should be found. If those offences should be submitted to that House, the well-known lenity of that House would, in all probability, directly or indirectly, let the offender escape with impunity; and after a single example of this kind, the Bill in progress would become just as futile as the Act of 1782 had proved. Instead of these half measures, from which no real reform of abuses could be expected, let his principle be adopted; which was, not to permit the emoluments of any public situation to be so enormous, as to afford the means to the holder of living handsomely himself, and of making a handsome allowance to a deputy. Whenever this was done, an office would ineivitably degenerate into a sinecure; and he was persuaded, that there was no effective mode of remedying abuses of this kind, either in the colonies or elsewhere, but that which he had described.

Mr. *Bathurst* said, the measure of abolition of the offices in the Bill would be as open after the passing it, as at present. If there was no other remedy but the substitution of a deputy to the principal, the remedy might at any future time be still recurred to. The question now was, would they render the existing law more efficient than it was at present? The effect of the Bill would be, to promote the residence of a more respectable white population in the West Indies than there was at present. Were the salaries, he would ask, more than was necessary to persons discharging the duties of their office, without deputy, in so unhealthy a climate? In his opinion, the salary ought not only to enable them to live while there comfortably, but also to save such a sum as might make the remainder of their lives comfortable in this country.

Mr. *Creevey* said, the question was, first, whether any Act ought to be passed to carry the 22d of the King into execution; and then, whether the present Bill was a proper measure for that purpose. For his part, he contended that it was not. They were now legislating on a leave of absence, the nature of which was unknown to them. He had moved for a return of the leaves of absence; but the government offices knew nothing concerning them. And yet they were called upon to state in this Bill, that the provisions of it should not apply to any leaves of absence granted before the passing of the Act. They were professing to carry the 22d of the King into execution, which said, that patentees should reside where their offices were—and yet they were declaring that the present Bill should not apply to leaves of absence granted to these patentees, of such a nature as to amount nearly to a total absence from the colonies. He contended, that there was no necessity whatever for a Bill to enforce the regulations of the 22d of the King; and even if there had been such a necessity, he considered the Bill before the House calculated rather to defeat than to promote such an object—a fact which justified him in applying to it a remark which had been made some thousand years ago by a certain philosopher, named Anacharsis—it was this, "Laws were like cobwebs, through which the strong flies broke, but in which the weak ones were retained." The hon. gentleman concluded by suggesting the following, as a more appropriate title to the Bill, than that under which it had been introduced :—

"An Act to dispense with an Act, passed in the 22d year of his present Majesty, entitled 'An Act to prevent the granting 'in future any patent office, to be exercised in any colony or plantation, then 'or at any time thereafter belonging to the 'crown of Great Britain, for any longer 'term than during such time as the grantee 'thereof shall discharge the duty thereof 'in person,' as far as the said Act relates to the right hon. sir Evan Nepean, bart. and John King, esq. and all other persons at present seised of any patent offices in his Majesty's colonies, in possession or reversion, which have been granted to them since the passing of the said Act of the 22d of his Majesty.

"To render null and void certain conditions contained in the letters patent, under which the said sir Evan Nepean and John King, and all other grantees of patent offices in the colonies in possession or reversion since the 22d of his Majesty, now hold such offices; by which conditions they are to hold such offices during such time only as they discharge the duties thereof in person.

"To confirm and render valid any leave of absence which may have been at any time given to the said sir Evan Nepean and John King, and all other patent officers in possession in the colonies since the 22d of his Majesty; by whomsoever such leave of absence shall have been given, for whatever cause or whatever period of time.

"To extend such leave of absence to Molyneux Hyde Nepean, John James King, Charles Cavendish, Fulke Greville, Richard Cumberland, George Disbrowe, and all other persons who are seised in reversion of offices in the colonies granted by patent since the passing of the 22d of his Majesty, whenever they shall come into possession of the same.

"And furthermore, to give to the hon. John Thomas Capel, John Augustus Sullivan, Charles Greville, the right hon. lord George Seymour, sir Walter James James, bart. Adam Gordon, James Athol Wood, the hon. Morton Eden, Robert Richard Wood, and the various other persons at present holding offices in the colonies by commission, from his Majesty, such a species of vested interest in their respective offices, that although they are held during the pleasure of the crown only, the holders of them shall, nevertheless, be exempted from discharging the duties thereof in person, notwithstanding the said Act of the 22d of his Majesty; and at the same time be entitled to compensation for the loss of the profits thereof, in the event of any colony or colonies in which such office or offices are held, being restored to any foreign power, at the conclusion of a general peace."

Mr. *P. Moore* opposed the Bill as totally unnecessary; considering, as he did, that the Act which was already in existence would answer every purpose which ministers could have in view. On a former night, he had asked some questions respecting Mr. Gore, the governor of Canada, and had been told that that gentleman had not been recalled for misdemeanors. Since that evening he had received some further information respecting this gentleman; and then held in his hand the memorial of a Mr. Jackson, who had been a member of that House, and who was possessed of considerable property in Canada, in which strong complaints were made of the conduct of governor Gore. The hon. gentleman was proceeding to comment upon this memorial, and another on the same subject which he held in his hand, when he was interrupted by

Mr. *W. Dundas*, who spoke to order, and suggested the impropriety of introducing subjects to the attention of the House foreign to the question before it.

Mr. *P. Moore* said, he should probably bring this matter before the House at a future period in a more formal shape; and concluded by repeating his warm disapprobation of the Bill then under discussion.

Mr. *Browne* fully agreed in all that had been said on the inefficiency and inexpediency of the Bill under consideration. Some evenings back, he had put a question to the right hon. gentleman opposite (Mr. Goulburn), as to the intention of ministers respecting Mr. Le Marchant, and whether they intended to permit his departure to Antigua. In addition to what he had before said respecting this person, he had now to state, that he understood he had been dismissed from the situation of paymaster to a foreign depot. After the figure he cut on a recent occasion, added to this fact, he was desirous of knowing, whether his Majesty's ministers intended, by sending him to Antigua, that this Mr. Le Marchant should be an example of the practical benefit of the principle of the Bill, as applied to the West Indies.

Mr. *Goulburn* would first reply to the questions of the hon. member who spoke last. It gave him pleasure to have such an opportunity of stating to the House the cause of the appointment of the person alluded to; and also to correct a strange mistake into which some hon. members had fallen, he would not say had willingly fallen, respecting an office which had formerly been held by that person. The noble lord at the head of the colonial department had appointed Mr. Le Marchant to the office in Antigua, in consequence of the following representation on his behalf: that he was a man with a large family; that he was brother to the brave general Le Marchant, who fell at the battle of Salamanca; and that he had lost his whole means of subsistence by the death of his brother, general Le Marchant. On these grounds alone the noble lord had appointed him to the office in Antigua. When the late correspondence, in which Mr. Le Marchant was implicated, appeared in the public papers, the noble lord who had appointed him intimated to him, that it would be proper that he should not leave the country until the matters in which he was involved should be cleared up. Several years ago Mr. Le Marchant had been paymaster to a public depot, and so far the hon. gentlemen opposite were right; but he had resigned that office. At the time of his resignation, he was found to be considerably in debt to the public; but he had given sufficient security for the amount of the sum for which he stood indebted to the public; and that money was not yet paid, merely on account of a legal formality which would soon be got over. As to the last question of the hon. gentleman, whether Mr. Le Marchant would be continued in his situation, the House would surely see that on so delicate a subject, until the character of Mr. Le Marchant was further developed, he could say nothing on that head with propriety. As to the Bill itself, he saw no foundation for the arguments of those who contended that the Bill would be nugatory, merely because its aim was to correct the defects of the former measure. There was one amendment which he would move at the proper time:—that was, to ensure the enjoyment of their offices to such persons as had been appointed to them for services done to their country, in the event of any contingency which might affect these offices, such as the demise of the crown.

Mr. *Whitbread* thought that the hon. gentleman had come well out as to the affair of Mr. Le Marchant's appointment, when, with many words as to the delicacy of the subject, he had said, that nothing was determined as to whether that person should be continued in his office. For his own part, he begged to submit to the House, that the result of any legal proceedings relative to the affair in which Mr. Le Marchant was concerned, could make no difference as to the share which he had in the business. The case of Mr. Le Marchant was simply, that he engaged to do or not to do something in a certain case, provided his conditions were agreed to, or in compensation for certain civilities. Now, the acquittal or conviction of the other persons did not in the least affect Mr. Le Marchant's case. With regard to the office formerly held by Mr. Le Marchant, it would be found, that he had not resigned it, but had been suspended. To prove that he was correct when he said this in opposition to the assertion of the hon. gentleman, he would refer that hon. gentleman to a letter on the subject, to which access might be had at the Secretary of State's office. As he had been the first who had alluded to the case of Mr. Gore, he would say a few words on that head. He saw no reason why his hon. friend (Mr. P. Moore) should have been prevented from proceeding with the case, particularly as the public attention had been awakened to it, and as his hon. friend had only intended to state facts. Many persons had been suspended from their offices in Upper Canada by Mr. Gore, under grave charges of misconduct. When these persons came home, they acquitted themselves completely from the charges which Mr. Gore had brought against them. In one instance, one of these persons, after his acquittal, applied to the Secretary of State's office, for a statement of his case, in which his innocence had been proved; but this was refused. The same person then applied to be reinstated in his office, as he had shewn himself innocent of the charges which had been preferred against him; but this was also refused, and he was offered a different situation elsewhere. As to the Bill and its machinery, he thought it quite nugatory.

Mr. *Goulburn* thought it unfair that the hon. gentleman should charge him with not being able to give an answer respecting circumstances which happened in 1809.

Mr. *Whitbread* said he had expected no answer.

Mr. *Stephen* observed, that in many colonies there were disputes between the governors and the other officers; and that often the removal of one or other party was the only method to restore peace. The hon. member (Mr. Stephen) was sure that the House would not be inclined to lay down such a rule as must at all times enforce colonial residence. If they were to do so, he was afraid the effect would be that the offices would fall into the vilest hands. The Bill, as far as it went, in his opinion, was a great improvement on the colonial system.

The House then divided on the question that the Bill be now read a third time. Ayes, 48—Noes, 8—Majority in favour of the Bill, 40.

The Bill was then passed.

PETITION OF THE DIRECTORS OF THE LONDON DOCK COMPANY.] A petition of several directors of the London Dock Company, was presented and read; taking notice of the petition of the court of mayor and aldermen of the city of London, praying, that leave may be given to bring in a Bill for enabling his Majesty to grant to the said mayor and commonalty and citizens of London the office of gauger at the London Docks and at all legal quays and sufferance wharfs whereon gaugeable commodities are now or may ever hereafter be lawfully landed within the port of London, or that they the said petitioners might have such other relief as the House should think just and equitable; and setting forth, that the said petition does not disclose to the House many of the most material circumstances in relation to the trial at law therein mentioned, which the petitioners conceive are necessary to enable the House to form a competent judgment as to the nature and jurisdiction of the said office; and that the petitioners beg to submit to the House, that the grant of the office of gauger in favour of the corporation of London is wholly unnecessary at the London Docks, and would not be of the least benefit to the public or the trade of the port of London; and that, since the establishment of the London Docks, viz. in the 52d year of his present Majesty, an Act was passed, by or under which the London Dock Company is responsible and liable to make good all deficiencies on wines and spirits landed and housed at the said docks, from whatever cause arising, exceeding certain small quantities therein mentioned, which deficiencies are to be established by the excise gauge on landing and dilevery; and that, on the second trial referred to in the said petition of the said mayor and aldermen, which was a new trial granted by the unanimous judgment of the court of King's-bench, and held at bar by order of the said court, it was clearly proved and established by the verdict of the jury, and to the entire satisfaction of the court, that the London Docks are situate without the limits, and are not subject to the jurisdiction of the city of London, in relation to the said office of gauger, and the corporation of London have never attempted to call the same in question, but have acquiesced therein; and that the petitioners trust, that the House will not grant to the city of London any rights or privileges to be extended to the London Docks, which, by the wisdom of parliament, have been formed and established out of and beyond the reach of the limits of the city's jurisdiction; and that if, under all the circumstances, it should appear to the House, that the corporation of London has any claim to compensation in the premises, the petitioners respectfully submit that the said corporation should and ought to apply for the same in such manner as the legislature have deemed right in other cases in which compensation hath been allowed, without interfering with or in any manner infringing on any of the rights or privileges which have been granted by parliament to the London Dock Company; and praying the protection of the House in support of the rights and privileges granted by parliament to the London Dock Company, and that the said petition of the said court of mayor and aldermen may not be granted, and that the petitioners may be heard, by their counsel and agents, against the same."

Ordered to be referred to the Select Committee appointed to enquire into the operation and effect of the several Acts for erecting docks and otherwise improving the port of London, so far as relates to the gauging of wine, and other gaugeable commodities, imported into the said port; and that the petitioners be heard, by their counsel or agents, upon their petition, if they think fit.

HOUSE OF LORDS.

Monday, May 9.

IMPRISONMENT ON MESNE PROCESS, &c.] Earl *Stanhope* observed, that the two Bills which their lordships had read a first time, on his motion, on a former evening, were since printed, and the copies were then upon the table. They were both proper Bills to be read a second time. Of one of these he intended to move the second reading on Thursday; but the other, which contained enactments for the better protection of poor and other debtors, he should move the second reading of to-morrow.

The Earl of *Liverpool* reminded the noble lord that a very important question stood for discussion on that day.

Earl *Stanhope* said, he knew that perfectly well. He had informed the noble earl who was to bring on the discussion of his intention, and he had made no objection as to the proceeding. They perfectly understood each other upon the occasion.

The *Lord Chancellor* observed, whatever the understandings of the noble lords might be, if it were thought the noble earl's motion would create but a short discussion, they were very much mistaken indeed.

Earl *Stanhope* said, if the debate on his proposition were found likely to run to an inconvenient length, the debate on it might be adjourned to some given day. But he had much pleasure in saying, that persons on both sides of the House were favourable to his measure, and which he thought to their credit. He thought it abominable, that in cases of a debt for a few shillings, individuals, where the expences ran up to many pounds, should be put in prison on that account. He then repeated his notice for the second reading of the Bill to-morrow.

Lord *Ellenborough* said, it ought not to go forth, that a measure proceeding upon such mistaken grounds, and inconsistent with reason or practicability, was likely to meet with such support. What would be the effect of it? To prevent the recovery of sums in the way of costs or damages; and, in many cases, where the greatest properties may be affected. Where the amount of such sums were infinitely greater than in the original cause of action; in actions, too, where what was called nominal damages were given; controverting a principle in which the greatest judges were agreed. The instance of the farthing duty of the city of London, in which the costs amounted to several thousand pounds, was then alluded to by the noble and learned lord. What, in such cases, would be the situation of the parties, were the justice of the law so withheld from them? He wished not to speak disrespectfully of the noble lord for his coming forward; but it must be plain to all, that in cases of vexatious actions, and proceedings of a similar nature, where the costs may amount to thousands of pounds, no remedy would remain to the parties, if this most extraordinary Bill were to pass into a law! After a few farther remarks from the noble and learned lord, and a word interchanged across the table,

Earl *Stanhope* observed, the object of the Bill was not to prevent the recovery of costs; but to prevent men from being imprisoned for such costs as were contemplated in the Bill.

Lord *Ellenborough* said, that with respect to the proposed measure, the noble earl had not only mistaken, but falsified the law. The practice of arrests in such actions, was long sanctioned by the law of England. So early as the statute of Henry 3, and ultimately by the statute of Henry 7, so long had the practice of arrests and holding to bail in all actions of the kind been provided for, and sanctioned by the law of England.

Earl *Stanhope* observed, he knew such was the law; as his presenting a Bill to alter it in those respects was a proof. But he knew that the law had suffered some alteration in these respects, as in a recent statute of his present Majesty; and the principle he conceived to be the same in both cases.

Lord *Ellenborough* explained, that the practice of arrest in mesne process was clearly and indisputably sanctioned by the ancient and established law of England; and he deprecated the ill effects which might arise from such things being taken up on mistaken grounds, or from confident or unqualified assertions.

After a short further conversation between their lordships, the noble earl agreed to wave his intended motion for the second reading of the Bill in question to-morrow evening.

HOUSE OF COMMONS.

Monday, May 9.

Clergy Penalties Bill.] Sir *W. Scott* prefaced his motion for leave to bring in a Bill to amend the 43d of the King, cap. 84, relative to the non-residence of the clergy, with a variety of observations, tending to show the insufficiency of the law as it now stood. He particularly dwelt on the impropriety of leaving the enforcement of the law in question to common informers; a singularity from which the regulations of other professions were exempt. In modelling his new Bill, therefore, he should be careful to reject informers altogether; to whose avarice, under all the circumstances of the case, taking into consideration the inexperience and unacquaintance with the law, of many of the clergy, he did not think it would be proper longer to leave them. The Bill would be in a great measure explanatory, removing certain doubts which existed with respect to the present law; for instance, it would remove the doubt which had been started as to the non-liability of clergymen holding pluralities, but residing on one of their benefices. It was evident, that the law could not contemplate a physical impossibility, and this the Bill which he meant to introduce would distinctly establish. It would also dispel the apprehensions which had arisen from the supposition that the penalties might be levied indefinitely with respect to time.

Leave was then granted to bring in the Bill.

Excise and Customs.] The House having resolved into a Committee on the Excise and Custom Duties,

The *Chancellor of the Exchequer* rose to call the attention of the House to the duration by law of several of these duties; viz. six months after the termination of the war. The House would be aware of the inconvenience that might attend the cessation of these duties at an open period of the year, when, parliament not sitting, no modified continuation of any of them could take place, if necessary. It was his intention, therefore, to propose that the excise duties should continue in force until the 10th July 1815, by which time parliament would be enabled to take the subject into consideration, and come to such a decision upon it as might seem expedient. It was his intention to propose a similar measure with respect to the customs duties, excepting the duties on the tonnage of ships and vessels clearing out, or on goods exported or carried coastwise. The right hon. gentleman accordingly moved two Resolutions, embodying these regulations.

Mr. *Whitbread* observed, that the right hon. gentleman had said nothing of the Income Tax. Was it to be inferred that that tax was unequivocally to expire on the 5th of April next?

The *Chancellor of the Exchequer* replied, that it was not his intention to agitate that subject in the present session. There would be abundant time in the next session for parliament to determine whether any, or what part of that tax should continue to be exacted.—He added, that it was a question which must depend on circumstances that it was impossible to foresee; for instance, the progress or result of the war with America.

Election Expences Bill.] The order of the day for going into a Committee on the Election Expences Bill having been read, Mr. Douglas moved that the Speaker should leave the chair.

Mr. *Calcraft* would not object to the motion; but declared, that unless the Bill should come from the committee in a form very different from that which it then bore—unless it was made a measure of regulation, not of disfranchisement, he should feel it to be his duty to oppose it either on the report, or on the third reading.

Mr. *Martin* expressed his surprise, that the comprehensive mind of the hon. author of the Bill should not be aware, that, if agreed to, it must occasion a material change in the constitution of parliament, by excluding in a great measure non-resident voters from an election, and leaving it entirely in the hands of those who were local and resident. The whole measure rested on an unfounded assumption; namely, that non-resident voters, who received from a candidate the expence of their journey, and compensation for their loss of time, must necessarily be corrupt. Nothing could be more unfounded;

and as for any unnecessary or collusory allowances on the part of the candidate, the statute of William 3 was sufficiently operative in that respect. He contended besides, that the Bill was much too severe by declaring certain acts, without any investigation of their nature, to be criminal; and thus depriving the present admirable jurisdictions, the election committees, of the discretion with which they were at present invested, and by which they were enabled to hear evidence as to the nature of the acts in question, that they might pronounce them, as circumstances directed, either innocent or criminal, according as they might find them attributable or non-attributable to corrupt motives.

Mr. *Rose* wished to ask the hon. gentleman who spoke last, if he thought a committee ought to enter into the case of every individual voter, in order to ascertain what might be considered a fair allowance for his time and travelling expences? In this city some artificers made 20*s.* a day, while others did not, perhaps, make more than 2*s.* 6*d.* If they were once to let in discretion, it would be impossible to shut the door against every sort of irregularity. He did not think there was one man in the House who believed the exercise of this practice of defraying the expences of non-resident electors was attended with any one good effect. They all well knew, that non-resident voters were treated for months together before a general election; and yet it frequently happened that they were met by crimps on the road to the place of election, and the best bidder had them after all. The right hon. gentleman concluded with professing himself a staunch friend to the Bill.

Mr. *Wynn* said, the principle of the Bill evidently was, to prevent the charging of any expence to voters. If one candidate be allowed to be at any expence, it becomes necessary for others to be at the same. The candidates make use of this mean to conciliate the good opinions of their constituents. The hon. gentleman read the preamble of the Act of William 3, to prove that its object was to cause elections to be made without charge or expence. He could not agree with those gentlemen who thought that this Bill would be a disfranchising law. Corruption was before an indictable offence at common law; but if it were established that voters ought to be paid their expences, every voter would have a right to expect a compensation for his loss of time. But the law of the land says, that no candidate shall give to any voter either meat, drink, or entertainment. After alluding to the cases of Messrs. Coke and Windham in a late parliament, who were unseated under the Act against bribery, &c. the hon. gentleman concluded with saying, that as he believed this Bill to be only a re-assertion of the law of the land, he should be happy in seeing it carried.

Mr. Serj. *Best* said, the principle upon which he would vote for the committee was, that the law was now unsettled as to the legality of paying any expence to non-resident voters. In his mind the object of the Bill was, to disfranchise a great number of voters. If such was the intention, it ought to be done fairly and manfully, not in such an indirect way. He would, however, vote for the committee, for the purpose of removing the doubts that existed as to the law, because committees of that House allowed the legality of paying expences, while the courts of law denied it.

Sir *John Newport* would vote for the committee, on a principle directly contrary to that of the learned gentleman (serjeant Best). His opinion was, that it would disfranchise a number of voters. He (sir J. Newport) thought that such voters as had their expences paid, did not come fairly and freely to do their duty. What opinion would be formed of a man, who, having his expences paid by one candidate, should change his mind, and vote for another? He would be considered as having acted unfairly; and this shewed, that when his expences were paid, his choice was not free. It was desirable, that if non-residents wished to exercise their franchise, they should have more difficulty in doing it than at present. Every person saw, on the eve of an election, the papers filled with advertisements inviting non-resident voters to taverns, where they spent their time in drunkenness and idleness, to the great injury of their employers. In those which were called open boroughs, the corruption was greater than in others, as the records of the committees of that House would shew. He would therefore vote for the committee.

Mr. *Rochfort* thought the effect of this Bill would not correspond with its intention. It was impossible to put a stop to the practice which this Bill professed to prevent; for the out-voters would continue to be carried to the place of election by some means or other, not at their own expence. Some friend would defray their expence, who could not be proved to be an agent of the candidate. He had an objection also to the Bill, because it was partial in its operation. Why restrict the remedy to boroughs? Why not extend it also to counties? In the populous county of York, and in the county of Lancaster, the enormous expences attending an election were so great as to prevent any man of moderate fortune from becoming a candidate. He felt it to be his duty to oppose the Bill in every stage.

The question was then put for the Speaker's leaving the chair, and carried without a division. The House having gone into a committee,

Mr. *Lushington*, as he had on a former occasion said, still thought that the Bill might be very much improved; both as it affected the interest of the electors and of the candidates. The omission of the word "county" in the Bill he thought quite unintelligible. If the Bill passed as it then stood, it would be most injurious to the elective rights of persons who might be in the army; in fact, to the soldier it would be virtually a disfranchisement. It would be infinitely better to allow a certain proportion of the travelling expences of electors to be paid. He therefore proposed to allow to non-resident electors a sum not exceeding a shilling per mile for travelling expences, the distance being computed between the place of residence and the place of election.

Mr. *Douglas*, though happy to agree to any suggestion offered with so much candour, could not avail himself of that of the hon. gentleman, because he thought it militated against the principle of the Bill. The proposal of the hon. gentleman would be an innovation on the law as it now stood; and to prove this, he referred to it. Indeed the effect of the proposal would be, to legalise the claims of the non-resident electors to remuneration for their travelling expences, and to establish corruption of the grossest kind. The Bill was one declaratory in substance, but in form an enactment.

Mr. *Lushington* said, if the Bill was declaratory in substance, he wished to know how it happened that the word "county" was omitted? He then moved that the word "county" should be inserted in the Bill.

Mr. *Bathurst* thought, that if the Bill passed in its present form, its effect would be, totally to destroy the foundation on which it stood; namely, the Act of King William. He felt inclined to support the amendment for the insertion of the word "county."

Mr. *Calcraft* thought his hon. friend (Mr. Douglas) had got his Bill into such a situation, that he could not see how he was to get it on. His hon. friend seemed to have compromised the principles of his Bill for support to it; thus, for conciliating the county members, he had left out the word "county."

Mr. *Lushington* thought if a certain degree of expence was not allowed to the out-voters, the Bill would give rise to more fraud than existed under the present law. If they were to give every out-voter 1*s*., per mile for travelling expences, much fraud would, in his opinion, be obviated.

Mr. *Douglas* objected to this allowance, as legalizing what was at present contrary to law. Instead of diminishing the expences of election, it would add to them, as it would entitle every person to make a specific demand to have his expences defrayed.

Mr. *Calcraft* was against the Bill; being of opinion, that it went to fix a stigma upon electors, without any call for it.

Mr. *Tierney* recollected, that some years ago he himself had introduced a Bill something like the present, in which he had proposed to include counties; and then he was asked, if his meaning was to disfranchise every body? In order to do away this objection, he had then agreed to the omission of the word counties, in hopes that he might have reconciled gentlemen to the measure; and he should agree still to omit the word, if the omission could have this effect. He was sorry the hon. member (Mr. Lushington) had not gone the length of proposing the repeal of the Act of King William. He wished the hon. gentleman would also go the length of proposing the repeal of the Act requiring a landed qualification of 300*l*. a year. For, if candidates went on, for any length of time, paying the proposed expence of 1*s*. per mile to electors, he (Mr. Tierney) was afraid it would soon come to this, that they themselves would not long possess the qualification necessary to entitle them to sit as members. Who, too, he asked, was to decide, whether the sum demanded by the elector and paid by the candidate, was or was not bribery? It was impossible for a candidate to have an agent residing in every place which might be named by an elector; how else could he know that an elector had not come, as he himself might have alleged, from the Lands-end? And if he yielded to such demand would not this be called corruption? Gentlemen talked of non-resident freeholders as if they were disfranchised, in consequence of their non-residence. This was by no means so: if persons having votes chose to remove from the place where they were entitled to the exercise of their elective franchise, what was it but saying to them, if they chose to remove they took upon themselves the burden of returning to the exercise of their right as part of their mercantile speculation. If the rule was to be otherwise, seats could only be contested by persons having large sums of money in their pockets. He (Mr. Tierney) recollected a non-resident elector, who pretended to have come from a distance to vote for him, refusing to exercise his elective suffrage till the 14th day; he obtained from him his expences, under the pretence of having come to vote for him, and then returned under the colours of the adverse party. He was, on the whole, satisfied that non-resident voters had no common view, in the interest or character of the place represented, with the resident voters.

Sir *Charles Monck* said, if the Amendments which had been proposed were carried, he should oppose the further progress of the Bill.

Mr. *Wynn* considered the Amendment for allowing a shilling a mile travelling expences to voters as extremely reprehensible, and as, in fact, tolerating that very system of corruption which it was meant to correct.—With respect to the application of the provision of the Bill to counties, although he did not approve of such an extension, yet rather than the Bill should not pass, he would agree to that suggestion.

Mr. *Protheroe* agreed to the extension of the Bill to counties, but disapproved of the proposed allowance of expences.

Sir *F. Flood* would vote against the Bill, as quite unnecessary.

Alderman *C. Smith* opposed the Bill, and thought it was introduced at the worst possible time.

Sir *J. Newport* spoke in favour of the Bill.

Mr. *H. Thornton* contended, that the provisions of the Bill did not go to alter the constitution. Those who complained of innovation were generally afraid that too much democracy would be introduced. In cutting off a number of unworthy voters, as it was now proposed to do, they rather strengthened the aristocracy than favoured the democracy of the country.

Mr. *Wrottesley* felt it his duty to repeat his objection to the principle of this Bill; but being in a committee, he should give his vote for the introduction of the word "county" in it.

Sir *J. Mackintosh* objected to the Amendments, as tending to increase the difficulties which the Bill had to encounter, to multiply its opponents, and to endanger its success. The principal objections that came from a friendly quarter, he thought might be obviated, by making an alteration in the preamble of the Bill, and by adding a proviso that should do away all doubts as to the construction of the Treating Act. When the enacting clause had passed, he proposed to offer these additions as amendments.

Mr. *Bathurst* defended the Amendment he had supported.

A division took place on the Amendment, which went to introduce the word "county." For the Amendment 50; against it 5—Majority 45. The other clauses of the Bill were then passed. The House resumed, and the Report was ordered to be received on Monday.

REPORT FROM THE COMMITTEE ON THE STATE OF THE GAOLS OF THE CITY OF LONDON, &c.] The following Report was presented, and ordered to be printed:

The Committee appointed to enquire into the state of the Gaol of Newgate, and the Poultry, Giltspur-street, Ludgate, and Borough Compters; and to report their observations thereupon, and of any improvement which may be practicable therein; and who were empowered to report the Minutes of the Evidence taken before them, to the House;—have examined the matter to them referred, and agreed upon the following Report:

Your Committee find, the gaol of Newgate, as at present regulated, is able conveniently to hold 110 debtors, and 317 criminal prisoners; and it is the opinion of the surgeon, that when the whole number exceeds 500, great danger of infectious disorder is to be apprehended. On April the 5th, it contained 160 debtors and 326 criminals, and in January last the whole number amounted to 822.

That part of the prison which is appropriated to debtors, is divided into two yards; one for men, and one for women. Upon that for the men are three buildings, called the Master's Side, the Cabin Side, and the Common Side: the latter is for the poorest description of debtors; and for admission into the two former, a fee of three shillings is paid; and the prisoners in them share in none of the charities, but have the advantage of living in better society. The rooms are generally about 15 feet wide, and from 23 to 36 feet in length, and contain in each of them, day and night, from ten to fifteen men, when the prison is not crowded; but double that number have been occasionally placed in them. One room is, in the day-time, appropriated to work: and when your Committee visited the prison, they found there some persons industriously employed. For the government of the debtors, the keeper names six persons, and one of them is elected by his fellow-prisoners to hold the office of steward of the prison. In the same manner, in each ward, he names three persons, one of whom is, by the inhabitants of that ward, chosen to be their steward. It is the business of the steward of the prison to preserve order, to see the allowances weighed, and, assisted by three auditors, freely chosen by the prisoners, to examine the poor-box, and to superintend the receipt and distribution of charities; in return for which, he receives small gratuities, and an additional allowance of provisions; and similar to his, in their subordinate departments, are the duties of the stewards of the separate wards. These, and other regulations for the preservation of order, and management of the debtors fund, have been approved of by the aldermen and judges.

Misconduct, in any prisoner, is punished by removal to what is called the Disorderly Ward, which is locked up one hour sooner than the others; and, if that punishment be not sufficient, by confinement in a cell. The doors are every morning opened at eight o'clock; and, with the exception of four hours on Sunday, visitors are indiscriminately admitted from nine in the morning till nine at night, when they depart, sometimes to the amount of two hundred.

Wine and beer are sold at the bar of the prison, at the same price as in the public houses, and no one within the gaol is entitled to any profit on their sale. The quantity which each prisoner is allowed to purchase is no otherwise limited than that he shall not have, at one time, more than one bottle of wine, or one quart of ale; a regulation which little tends to preserve sobriety and order. The act of parliament against the introduction of spirituous liquors is conspicuously hung up, and all pains are taken, though sometimes ineffectually, to see that it is enforced.

No bedding is provided: the poorer description of prisoners sleep on the boards, between two rugs given by the city; those who can afford it hire beds at sixpence the night, from persons who carry on this traffic with the prison. The allowance of food to debtors is fourteen ounces of bread a day, and eight stone of meat in every week, divided amongst all; but as this quantity never varies with the numbers in aid of whose subsistence it is given, it forms a very precarious addition; and the whole allowance is barely sufficient, without the assistance of their friends, to support life. The manner of distributing the bread, which is given on every alternate day, is liable to this objection, that the prisoner is tempted on the first day to eat the allowance which is meant also to support him on the second; and that a person brought to prison immediately after the hour of distribution, receives nothing for forty-eight hours, and may be six days without receiving any meat.

To the debtors, no coals or candles, no mops or pails are given: the Master's Side prisoners provide themselves with these necessaries; and those on the Common Side are able to procure them by subscription and garnish, and by means of various charities and legacies. Your Committee feel it difficult to give an opinion upon what ought to be the allowance made to debtors for their comfort and subsistence, and under what regulations it ought to be distributed. It is not fitting that the poorest should hardly be enabled, by their allowance, to exist without the assistance of their friends; and if that should be wanting, that they should be in part supported by broken meat from taverns, and other casual and uncertain charities; nor is it reasonable, by an ample and indiscriminate distribution of bedding and coals and provisions, to incur expence on behalf of those who have ability to support themselves, and by too easy a subsistence, to leave no inducement to that industry, which it ought to be the first object in every prison to encourage. It seems then that a full allowance ought not to be general; it ought only to be given to those whose necessity cannot be doubted, and who are content to live on the Common Side of the prison; those who are on the Master's Side must be presumed to be more able to provide for themselves; and even on each of these sides, different gradations may be made, the allowance diminishing as the accommodation and rooms improve. It might be made conditional too upon cleanliness, upon attendance at chapel, and other good conduct; and if a system of work were established, it might be withheld from the idle.

Some deduction might also be made from such of the prisoners as are entitled to the daily payment of sixpence from their creditors; though from the length of time for which that payment may be delayed, and the expence of obtaining it (which amounts to 1*l.* 6*s.*) it is received by few: five only of all the debtors now in Newgate are in its receipt.

Garnish is demanded from all the prisoners on their admission to prison, and fees on their discharge: the garnish is extorted by them from each other, and varies, in the different wards, from thirteen shillings to one guinea; an inability or unwillingness to pay it is punished by keeping the defaulter from the fire, by not allowing him to partake in the charities, and by other means of annoyance. It is a disgraceful and oppressive custom, and ought not to be permitted to exist. It has been abolished in all the well-regulated prisons in the country; and your Committee have it in evidence from the gaoler of Newgate, that a very small allowance as a compensation, and a positive order from the magistrates, would cure this evil at once.

From every debtor, those of the Court of Conscience excepted, a fee is due to the sheriff for his writ of liberate, amounting in Middlesex to 4*s.* 6*d.* for the first action, and 2*s.* 6*d.* for every other; in London the demand is rather higher, and beyond this he may be further imprisoned until 6*s.* 10*d.* shall have been paid to the gaoler, and 2*s.* to the turnkey: and your Committee indeed regret that any right should exist, by law or by custom, of exacting fees from prisoners under these or indeed any circumstances. But when the debtor's debt is paid, or when he has abandoned his property to his creditor, and, destitute of every thing but his clothes and the instruments of his trade, looks forward to his liberty, it seems unreasonable that further demands should still be made on him, and that his liberation may yet be delayed until he shall have paid this new debt, arising only out of the satisfaction of all his former debts. That these fees have not been always extorted, nor made the subject of fresh imprisonment, is only to be attributed to charitable institutions, and to the humanity of the gaoler, whose right has never been enforced against the poor and unassisted. But your Committee feel, that the character of the present gaoler is no security for the conduct of his successors, and that this power of oppression ought not to exist.

The female Debtors Side is subject to similar regulations with that of the men, but it is less crowded, and appeared perfectly clean and well managed.

The Criminal Side of Newgate contains six yards; 1st. The press yard, for prisoners under sentence of death, to which are attached fifteen cells, each about nine feet long by seven wide. By the rule of the prison, which is however much relaxed, the prisoners are locked up in their cells from two in the afternoon till nine in the morning. Two prisoners are generally, for the sake of society, and in some cases to prevent suicide, put into each cell; though it has frequently happened, from delay in making the report, that the numbers have so accumulated as to make it necessary to confine three together. They have, with the exception of those condemned for murder, the same allowance with the other prisoners, and are permitted to purchase what wine or beer they please. Their friends are allowed freely to visit them between the hours of twelve and two; and every proper attention appears to be paid them. The ordinary attends them every Tuesday and Thursday after sentence; and, after the order for execution, every day: such as are dissenters are permitted to see ministers of their own tenets; and a Roman catholic clergyman is very properly paid by the city for attending on such as are of his persuasion. On the Sunday before the execution, all the prisoners under sentence of death, and who are of the Church of England, are obliged to attend divine service; they are placed in an open pew in the centre of the chapel; and previous to an execution, a black coffin is placed on the table before them. Your Committee feel this exposure of the condemned persons to be cruel and unnecessary; and it is consequently stated to have this bad effect, that it induces many to profess dissenting tenets, to avoid the being thus held up to public view, in this last awful situation; and in general only the most hardened consent so to appear.

In consequence of the Report in 1811 of the Committee on Penitentiary Houses, some attempt has been made to separate the tried from the untried prisoners; and the yard called the Chapel Yard is appropriated to such as are charged with felony, and to such as have been convicted or are charged with misdemeanors. It is calculated to hold in five wards seventy prisoners, and contained, on April 4th, seventy-eight. Those in custody for misdemeanors sleep in a different ward from those committed on a suspicion of felony, though in the day-time they mingle in the same yard. The rooms throughout the prison are fifteen feet wide, but vary in length. On one side of them the floor is a little raised in an inclined plane, on the top of which is a beam; and on these boards the prisoners sleep, the beam serving for a pillow; no beds are given, but each prisoner has two rugs: and the allowance of room, when the prison has only such a number as can be conveniently lodged, is one foot and a half to each person; when, as has been frequently the case, nearly double the convenient number is placed in a ward, they sleep in the same crowded situation on each side of the room, the whole floor being covered, with the exception of a passage in the middle. In the classification of the different descriptions of prisoners it has been usual, and such a system is sanctioned by the legislature in the Act 24 Geo. 3, c. 54, to confine together all persons convicted of misdemeanors. In the opinion of your Committee this classification is far from just. He who has committed a common assault ought not to be made the companion of the perjured or the fraudulent, and still less of those who are committed for attempts at the most abominable crimes. And in the same class with all these the libellist is also included, who is frequently a man of feeling and education, and whose crime, however dangerous and reprehensible, seldom carries with it into society that degree of disgrace which should subject the offender to be placed on a level with the more profligate criminals above alluded to. In the opinion of your Committee, this gaol, whilst the classification of crimes is so little observed, is not fit for the confinement of persons convicted of libel. Prisoners for misdemeanors are not in irons, but all the others are, except such as have deserved to be freed from them by long good behaviour; they are considered to be necessary as a mark to distinguish the prisoners from strangers. But if this intercourse with visitors were more limited, or permitted only through a grating, the irons might, with perfect safety, be discontinued. In the middle yard are confined persons under sentence of transportation, and convicted of felony; their number in April was eighty-two: and it will conveniently hold eighty. It is to the great delay which frequently occurs in the removal of persons under such sentences, that the crowded state of Newgate has frequently been owing. By a return to your Committee it appears, that their numbers are very seldom less than 100, and that at one time, in December last, they amounted to 236. This delay is one of the main causes of all the inconveniencies felt in the prison, and very great good would at once result from the early and regular removal of the transports.

The Master's Side will contain seventy persons, but is seldom full; it has now forty-nine. Prisoners for every crime, and of every description, liable only to removal for misconduct, may be admitted to it, on the payment of 13*s.* 6*d.* and 2*s.* 6*d.* per week for the use of a bed. Their treatment differs little from that of the other prisoners, except that they partake of no charities, and are in better society. They are, as much as possible, in their rooms, placed in different classes, but all meet in the common yard. Similar regulations prevail in what is called the State Side, which is for a still better description of prisoners, and the fee for admission to which is two guineas, and a rent of 10*s.* 6*d.* for a single bed, and 7*s.* when two sleep in one bed. It has accommodation for forty, and contains now twenty prisoners. The women's yards, with cells and infirmary, are calculated for seventy persons: seventy-five, with fifteen children, were, on April 4th, confined in it; and in January last, 130 were, at one time, crowded together, of all ages, of all descriptions, tried and untried; and even those under sentence of death are not removed, till the order for their execution comes down. Amongst them are now two girls of thirteen, one of twelve, and one of ten years old, exposed to all the contagion of profligacy which must prevail in this part of the prison. A division is here also made for Master's Side prisoners, for admission to which a fee of 13*s.* 6*d.* is paid; but they and the others have but one common yard, which is extremely narrow and inconvenient. Amongst the women, no visitors, except in the instance of very near relations, are admitted; an intercourse between them and their friends takes place through an iron railing. Into every other part of the prison visitors are allowed to come at any hour, from nine o'clock till dusk, but may only depart at stated times. Coals, and mops and brooms, are nearly to a sufficient quantity supplied to the Criminal Side of Newgate; and the allowance of food is, in a small degree, better than that to the debtors; but it is not sufficient properly to support life, without the assistance of friends, and casual charity; and, in the opinion of your Committee, it ought to be increased. It is hard to leave in dependence on their friends, men, many of whom are committed to prison only on suspicion of crimes, taken too from their trades, and placed in a prison in which hardly any facilities for work are afforded; whilst their families are deprived of that assistance on which they have been accustomed to depend. A very small increase of allowance would perfectly support them, and at the same time render unnecessary the unlimited concourse of visitors, by which it is to be feared the order and regularity becoming a prison are much impaired. From all the criminals, with the exception only of those on the State Side, garnish is exacted, liable to the same objections as have been already stated against it; and from them too fees are due, on particular occasions, to the keeper. Every convicted felon, on his discharge, after a term of imprisonment, pays 18*s.* 10*d.* though about again to try the world, under all the disadvantages of ruined character and circumstances, and the bad habits, and sometimes bad health, contracted during a long residence in a prison. Other fees are exacted on pardons, and from persons convicted of misdemeanors; every one of which your Committee are of opinion ought to be abolished; and they are glad to find, that a resolution to that effect passed the common council in 1810, though it is not yet acted upon. Acquitted prisoners are, as by law entitled, discharged on the moment of their acquittal; frequently at a late hour, and sometimes without money, without friends, and without a habitation in London; and instances have, in consequence, been known of their being brought back again on the same day, on a fresh charge, to Newgate. Those against whom no bill is found, are discharged in the morning; and the females have received one shilling each from a private charity. From the want of room, and the danger of permitting the use of some tools, and the difficulty of procuring work, the prisoners are but little employed; but it is the opinion of the keeper, that the best results would be derived from fitting up a yard for the purpose of work, and giving other encouragements. The increased allowance suggested by your Committee should, if such a system were well regulated, by giving only to the industrious, and the earnings be suffered to accumulate, either for the families of the prisoners during their confinement, or for their assistance upon leaving the prison.

Four lunatics are now confined in Newgate; two of them separately, but two with the other prisoners, one of whom would, but for his insanity, have been convicted of murder. This is a practice against which a resolution of the common council was passed four years ago, but which still unfortunately continues to exist; but it is hoped, that when the new Bedlam is finished, they will be all removed.

The keeper of Newgate receives a salary of 450*l.* in addition to which all the fees and rents are paid to him, and from this fund he pays the servants of the prison; above which expence an income remains to himself of from 600*l.* to 1,000*l.* a year, which is not, in the opinion of your Committee, too great for an office of such difficulties and responsibility; but they greatly object to the manner in which that salary is paid. No part of a gaoler's income ought to be exacted from his prisoners. Such an income, frequently ill paid, to a humane gaoler, leaves him also too much open to the imputation of harshness, whilst it gives to a harsh gaoler a power of oppression; it also leads to the employment of too small a number, and an inferior description of servants. The fees ought all to be abolished; and whatever rents it may be thought proper to preserve, to be accounted for, the gaoler receiving a fixed salary. Your Committee cannot leave this part of the subject without stating, that they believe Mr. Newman to be conscientiously attentive to the duties of his office, and humane in their performance. The medical department is under Mr. Box, who receives a salary of 150*l.* in addition to which he is repaid by the city for any quantity of medicines he may use. There are three infirmaries; one for the male debtors; one for the male and one for the female criminals. No apartment has been set aside for sick female debtors, and one has very rarely been wanted. A man on each side is chosen by the surgeon from the best educated of the prisoners, and employed daily to go round the prison, and to examine and report all the sick, who are immediately removed to the infirmary, and liberally furnished with attendance, and every thing which can be necessary. Mr. Box states, that since his appointment in 1802, no fatal case of infectious disease has occurred. Pulmonary complaints are the most difficult of cure in this and every other gaol; but Mr. Box has not observed any disorder to be unusually prevalent. The average yearly number of deaths since 1802 has been only nine; and your Committee have every reason to be satisfied with the liberality of the city, and the attention of Mr. Box to this department. They have only one remark to make; namely, that it would be satisfactory if every prisoner committed to Newgate, before he is allowed to mingle with the other prisoners, were to undergo a medical examination. It is a precaution observed in all well-governed prisons, and seems particularly called for in one so apparently exposed to infection as Newgate.

The ordinary, Dr. Forde, receives a salary of 250*l.* and is provided with a house. He states the attendance at chapel, which is entirely voluntary, to be far from regular, and his congregation frequently inattentive and disorderly. The different classes of prisoners are all within view of each other; and before the service begins, conversations take place between the men and women, and every sort of noise prevails. The keeper himself never attends; when on every ground of giving a good example, and preserving due decorum by his authority, he ought if possible never to be absent; and but three or four of the turnkeys are present, and attempt very insufficiently to preserve order. No clerk is appointed to lead the prisoners in their responses, and much inconvenience is felt by such a congregation from the want of this guidance. The sacrament is never administered, except to the condemned. Beyond his attendance in chapel, and on those who are sentenced to death, Dr. Forde feels but few duties to be attached to his office. He knows nothing of the state of morals in the prison; he never sees any of the prisoners in private; though fourteen boys and girls, from nine to thirteen years old, were in April last in Newgate, he does not consider any attention to them a point of his duty; he never knows that any have been sick, till he gets a warning to attend their funeral; and does not go to the infirmary, for it is not in his instructions.

Most of the evils and inconveniences of Newgate have proceeded from its being in extent wholly inadequate to the purposes for which it was intended; and the attention of the common council being called to it in 1810, by a letter to them from sir Richard Phillips, a committee to enquire was appointed, which produced a valuable report and several beneficial resolutions, and among them one for the building of a new prison for the reception of debtors. This building is to receive the debtors also of Giltspur-street, the Poultry and Ludgate compters, and is in a state of much forwardness; hopes are entertained that it will be fit for the reception of prisoners in the course of a year. Newgate will then only contain such persons as have received the sentence of the law, and the commitments from the different compters and the county prison, previously to every sessions held at the Old Bailey. This will give room for that attention to the comfort, morals, and industry of the prisoners, which, in the present crowded state of the prison, is hardly practicable; for their comfort, with increased space, an increased allowance and bedding are absolutely necessary; and their moral conduct will best be improved by a minute classification of ages, sexes, and offences, and by affording every facility of employment; perhaps this last object might be forwarded by giving a room towards the street, where articles manufactured by the prisoners might be offered for sale. Many of the magistrates of the city appear, to your Committee, to be active and frequent in their visits to this and the other gaols, and reports from them appear to find a ready attention from the committee of city lands; but a still more attentive and vigilant system of inspection, by regular meetings held at the prison, would, in the opinion of your Committee, be highly beneficial. It would be useful to have books kept, in which the surgeon and gaoler might enter the occurrences in their several departments; and one in which the visiting magistrates might write their remarks, as a guide for their conduct, and that of their successors. The opinion of Mr. Howard is strongly in favour of the appointment also of one of the superintending magistrates to act solely as an inspector; and where the gaols are so numerous and extensive as in London, this opinion seems well worthy of consideration. Your Committee cannot better state his duties, than in the words of Mr. Howard:—"The inspector should make his visits once in a week, or at most in a fortnight, changing his days. He should take with him a memorandum of all the rules, and enquire into the observance or neglect of them. He should (as is done in some of our hospitals) look into every room, to see if it be clean, &c. He should speak with every prisoner, hear all complaints, and immediately correct what he finds manifestly wrong; what he doubts of he may refer to his brethren in office, at their next meeting. A good gaoler will be pleased with this scrutiny; it will do him honour and confirm him in his station. To a less worthy gaoler the examination is more needful, in order to his being reprimanded, and, if he be incorrigible, to his being discharged."

Criminals apprehended in the western district of London are committed to the Giltspur-street Compter for trial, and those from the eastern district to the Poultry Compter. Debtors arrested in the two districts are alternately put into the custody of the gaolers of these two compters; and all from amongst them who are freemen or widows of freemen of London, may, at their own choice, be removed to a third prison, called the Ludgate Compter. Since 1804, when the old Poultry Compter appeared to be too much out of repair to be any longer used as a prison, the debtors and felons of both districts have been kept, with the exception of a short period when their numbers were too great, in the Giltspur-street Compter, and the night charges only taken to the old Poultry. These three Compters are now under one roof, and are kept by two gaolers. The Giltspur-street and Ludgate prisoners are under Mr. Teague, and the Poultry prisoners under Mr. Kirby. Ludgate is divided from the rest of the building, and has a separate entrance; but the Giltspur-street and Poultry prisoners are in many instances mingled together. The two classes of male debtors sleep in separate wards, but have one common yard; the female debtors live entirely together, so do the female criminals and the Master's Side criminals; but on the Common Side they are separated, according to the district from which they have been committed; and even where they are mixed, one of the gaolers has no authority over the prisoners of the other; all which forms a very uselessly complicated arrangement. The prison is calculated conveniently to contain 89 debtors and 56 criminals; and at the beginning of April it held 68 debtors and 55 criminals. The proper number has occasionally been exceeded, but never in a degree to be compared with Newgate; and the prisoners here are in general much better provided for than in that prison. To each class of debtors a day-room is supplied, in which no one sleeps; the bed-room is furnished with bedsteads; and to each prisoner is given two rugs, and a canvass ticking filled with straw, which is changed whenever it is requisite.

The allowance is ten ounces of bread a day, given on every alternate day, and six pound of potatoes weekly for each prisoner; in addition to which the sheriffs give seven stone of meat, distributed on every Saturday, amongst the whole number of each class. Mops and brooms, but no coals and candles, are allowed by the city; the coals are bought from garnish and subscriptions, and the produce of the charities, which amount, in the Poultry, to 76*l.* and in Giltspur-street, to 52*l.* a year; besides which they have occasional donations of coals and provisions from the Lord Mayor, Sheriffs, and others. The allowance of bread is very properly withheld from such as are not cleanly in their persons, and that of meat from those who do not attend divine service; exceptions being made in favour of Catholics and Jews. These and other rules were approved of by three aldermen and three of the judges, and are unexceptionable.

The Criminal Side is divided into cells

of about eight feet square, containing generally two and occasionally three, and sometimes even four prisoners; and their division into small numbers, contributes much to the good order of the prison. The criminals are allowed 10 ounces of bread daily and six pounds of potatoes, but no meat; an allowance which is certainly very insufficient. To every cell a canvass tick is given, and two rugs to each prisoner, and each yard is well supplied with water; but that for the Giltspur-street men criminals is much too contracted, and the day-rooms are generally very small and inconvenient. That which is most objectionable in the prison, is the want of proper classification. Your Committee found in it, with much regret, two men committed for not being able to give security in a charge of bastardy, and one for a common assault and unable to find bail, confined in the same yard with men charged with felony; and obliged every night to sleep in the same bed with two of these their fellow-prisoners. A person so committed for bastardy, approaches much nearer to a debtor than to a felon; his person is kept as a security to the parish for a debt due to it; and it is contrary to every principle of justice, to subject him to the shame and contagion of such ignominious society.

Similar remarks will apply to the case of a person committed to prison, on a charge so little connected with disgrace as that for a common assault. The person whom your Committee found so imprisoned, had been sent to gaol after the January sessions; the bill against him was found at the February sessions; and though he was anxious at that time to take his trial, it was postponed to the sessions following: for it is the practice in the city of London not to try a misdemeanor at the sessions in which the bill is found. This practice may be productive of much hardship; and your Committee strongly recommend that it be altered, at least as far as regards prisoners not able to find bail, and giving notice to their prosecutors, of their wish to proceed to trial. It would too be greatly advantageous if, instead of dividing the yards by the districts of the city of London, the distinction were drawn between felonies and inferior offences. Though intoxication is prohibited, the prisoners are allowed to purchase what wine and beer they please. Beer and tobacco are sold by the turnkeys, who act as agents for the publicans, and receive a remuneration in proportion to the quantity which they sell. This practice, which has no place in Newgate, ought, in the opinion of your Committee, to be discontinued here. No servant of the prison should profit by that which may promote disorder amongst the prisoners.

A fee of 14*s.* 8*d.* is paid for admission to the Master's Side, and 3*s.* 6*d.* a week for a bed. Other fees are also payable here on discharges, which are liable to all the objections already urged against fees in general: but one amongst them is more than usually objectionable; it is the fee of 3*s.* 6*d.* payable by night charges, when discharged before a magistrate. A person is taken up at night on suspicion, he passes the night in a gaol, the suspicion is in the morning proved to be groundless, and he is called upon to pay for his liberation. All fees on acquittal are abolished by act of parliament; surely in cases where no ground even exists for proceeding to trial, none ought to be exacted. The keepers of these compters are paid annually each 280*l.* (Mr. Teague receiving 200*l.* additional as keeper of Ludgate,) besides receiving, as in Newgate, the fees and rents, out of which they pay their servants. A fixed salary would here also be preferable. They both appeared to be attentive to their duties. Your Committee, on visiting the prison, found no appearance of ill health; and the infirmary seemed furnished with every thing that could be necessary; but as the surgeon had been very newly appointed, they did not examine him. The chapel is described as being extremely well attended, part of the allowance being withheld from such as neglect that duty. A clerk is appointed, and paid by the city; and the service is performed by Mr. Davies, who has been thirty-four years chaplain to the prison. When younger, and in good health, he found himself of much use in frequently visiting the prisoners on week days, and in conversing with and advising them in private; but he is now seventy-two years of age, and afflicted with an asthma, which compels him generally to reside in the country, and he is only able to perform the Sunday's duty; and your Committee hope that the city will, from his age and service, consider him entitled to such a pension as may enable him to leave his office to be filled by a more active successor.

Ludgate is a prison only for debtors who are freemen or widows of freemen of London; their number is now 20, and has been 44, and the accommodations are sufficient for 24. The allowance is better than in the Giltspur-street Compter, ten stone of meat being given amongst the whole number, besides the same quantity of bread and potatoes; and they are much assisted by a fund of charities amounting to 87*l.* 6*s.* 9*d.* a year, besides legacies given in bread, coals and meat. The only objection to this Compter has been the want of room, from which it is to be hoped the prisoners will, in the new prison, be relieved. The chaplain, Dr. Rose, appears to be most attentive to his duty, and assiduous in paying visits to the prisoners, though he complains much of the want of a private room, in which he may converse with them. The rules and orders are excellent. When the new building is completed, these Compters will, with little alterations, be amply sufficient for proper classification and all the other purposes for which they are intended. They will be used as a House of Correction for the city of London, and for night charges, and for receiving criminals previously to their trial.

The Borough Compter is under the original jurisdiction of the lord mayor of London, aldermen, and common council, who in their deputation to sir Watkin Lewes, of the office of bailiff of the borough of Southwark, have granted to him this gaol or prison with the custody of the prisoners therein; and under his appointment John Law has, for the last five years, been the acting gaoler. It is a small prison, in part appropriated to the reception of night charges, which are occasionally, though seldom, committed to it, and for whom the accommodation is amply sufficient. A fee of 2*s.* is exacted on their discharge; although it is stated in sir Watkin Lewes's appointment, that he "shall not, nor will, during his continuance in the said office or place, either take himself, or permit or allow his gaoler to take, have, or receive any fees or gratuities whatsoever, for the admission, detainer or discharge of any prisoners who are or shall be committed to the said gaol on a charge of felony, misdemeanor, or breach of the peace."

The remainder of the prison is used for the confinement of debtors, arrested by process from the Borough Court and Court of Requests, but of whom far the greater proportion are of the latter description. The total number during the last three years has been;

	From the Borough Court.	From the Court of Requests.
1811	3	251.
1812	5	318.
1813	3	307.

And the average number at any one time is from 20 to 25; but on the 4th of April they were only 12, having with them about 20 children. The debtors from the Borough Court are liable on discharge to the payment of a fee of 10*s.* 10*d.*; those from the Court of Requests are by law exonerated from all fees, if they remain in prison during the whole term of their imprisonment; but if the debtor compound or pay his debt before that period, he is liable to a caption fee of 5*s.* or more, in proportion to the amount or number of his debts; and your Committee, on visiting this prison, found two prisoners who were remaining in confinement solely from their inability to pay this fee.

The term of imprisonment is limited in the following manner: viz.

For all sums under and up to 20*s.* 20 days.
Above 20*s.* and not exceeding 40*s.* 40 d°.
Above 40*s.* and not exceeding 3*l.* 60 d°.
Above 3*l.* and not exceeding 5*l.* 100 d°.

But for every separate debt a further term of imprisonment is imposed in proportion to its amount; and the costs for the very lowest action are 9*s.* Debtors are sometimes here for a debt of 1*s.*; and it need not be added, that they are generally of the very poorest description. The building, if in good repair, would be amply sufficient to lodge many more than are usually confined in it; but the court-yard is only 19 feet square, and affording but little room for air and exercise. The gaoler has no salary; but in lieu of one, sir Watkin Lewes has given him an office in the Court of Requests, which occupies nearly the whole of his time, at some distance from the prison, and must prevent him from properly attending to his duties as keeper. Besides which, this office is similar to that of a sheriff's officer, which is one of those pointed out by Mr. Howard as incompatible with that of gaoler. It is his duty to carry into effect arrests and executions; and as the prisoners are at once taken to his own gaol, he has powers liable to much abuse. He has, as gaoler, the advantage of living in the house rent-free, and has received, for the consumption of his family, an unlimited allowance of bread, which, though the claim to it is recognized by sir Watkin Lewes, seems never to have been authorized by the city;

and the baker's accounts are so drawn up as to give to the charge, though sanctioned by long usage, a great appearance of fraud. The Committee have, since their sitting, been informed that this allowance is now discontinued. This prison, as unfortunately is frequently the case with small prisons in privileged jurisdictions, has been singularly neglected, and the consequences of that neglect cannot be better described than by the petition of the gaoler, presented to the Lord Mayor and Court of Aldermen, on the 22d of last March. By that petition, and it is proved by evidence before your Committee, that the statements which it contains are well founded, it appears, that the windows were much broken, the flooring in one of the wards destroyed, and the other wards much damaged and decayed; that there were not more than twelve rugs, and a less number of blankets, to frequently thirty persons sleeping on the boards; that the daily allowance was only a twopenny loaf; that no coals were allowed, nor mops, pails and brooms; and that the sick had no medical attendance. In addition to which, your Committee have to lament, that no divine service is performed in the prison; or any person appointed to do that duty. Such are some of the evils which have resulted from the negligence of those whose duty it was to inspect and provide for this prison; a negligence the more culpable, as ignorance of its state cannot be pleaded in its excuse. Sir Watkin Lewes has been for 20 years the bailiff of the Borough, and keeper of the gaol; though of this last fact he himself appears not to have been aware. He has sometimes seen the distress of those confined in it, and has had many representations made to him of their distress, and has even occasionally taken preliminary steps for obtaining relief; yet it does not appear that application was ever made by him to the proper committee. About two years ago, upon the request of the gaoler, twelve rugs and twelve blankets were sent from the city, and at the same time the sheriff sent two chaldron and a half of coals. On the 18th September last, without the knowledge of the gaoler, a petition to the Lord Mayor was sent by the prisoners, and Mr. Kirby was sent to make enquiries; and upon communication with him, Mr. Law determined himself to present another petition. He drew up one for that purpose, and gave a copy of it to sir Watkin Lewes, who objected to it on the ground of some informality, and it was never presented. But on the 22d of March, Mr. Law actually did, after some slight alterations, present one; and your Committee have seen with pleasure, that the best atonement has since that time been made for past negligence. Orders were immediately given for the repair of the building. Mr. Law, on the 5th April, was authorized to give to every prisoner in his custody, 14 ounces of bread daily, and two pounds of meat weekly, and to provide for the use of the prisoners a bushel of coals daily. A surgeon has been appointed; and your Committee, upon visiting the prison, found that canvass ticks with straw and rugs had been given, and that workmen were employed in repairing every part of the prison. In addition to which, they recommended the appointment of a clergyman, the adoption of rules similar to those of the Ludgate Compter, the abolition of the small garnish of 2*s.* 6*d.* which is very improperly paid to Mr. Law; and some other mode of remunerating the gaoler, than one so improper in other respects, and which compels him so much to neglect his gaol. A material improvement might too, with little difficulty, be made in the distribution of the building: the ward for the female debtors has a free communication with the rest of the prison, and but one court yard is given to both men and women; which arrangement is productive of many inconveniencies. But if the present door to the women's ward were closed, and means of access made to a small yard, meant for the use of felons, but never occupied by any, these inconveniencies would at once be removed. It appears also desirable, that the commissioners of the Court of Conscience in the borough of Southwark, who have, under the local Act giving them that power, selected this prison as that to which they commit their prisoners, should themselves occasionally inspect it.

The plans for the new prison have been shewn to your Committee; but the building is now in a state of so much forwardness, that they feel that any improvement now suggested could with difficulty be adopted. It is meant to contain 544 prisoners; and the outer wall incloses a space of ground less in extent than one acre: part, too, of this space, will be but little beneficial to the prisoners, it being left as an interval between the outer wall and the prison. It is much to be wished that more ground could be acquired; but difficulties have arisen, from an agreement made with the neighbouring inhabitants, that no part of the prison shall front Redcross-street; but hopes are entertained that space may be obtained in another direction. The building is not fire-proof, and is otherwise faulty, in having the gaoler's house placed at one extremity, from which the access to some parts of the prison is distant and inconvenient. The rooms, too, are many of them too large; a greater number of small rooms would tend not only to the comfort, but to the order also of those confined in them. Your Committee object, too, to the various subdivisions which are thought necessary. The separation, perhaps, of the freemen of London might be properly continued; but no reason exists for the distinction between the Giltspur-street and Poultry debtors. It formerly depended upon choice, and now only on the alternate arrests; and it materially straitens the space, already too narrow for air and exercise.

HOUSE OF LORDS.

Tuesday, May 10.

Civil Liberty.] Earl *Stanhope* said, there were two Bills on their lordships' table which he had introduced; and as there were peers present who did not hear him when he described their nature and tendency, he should now just state, that one of these Bills was entitled, "An Act for the better protection of poor debtors;" and the object of it was to prevent attornies, who proceeded to recover small sums, and who run up the costs, from imprisoning the person on account of the swelled costs. The other, was "An Act to prevent arrest under mesne process," which was contrary to Magna Charta, by which a man could not be imprisoned, but by the judgment of his peers or the law of the land; whereas, by the present law of arrest, any man might be imprisoned by the oath of an Atheistical rascal.—He now gave notice, that he should move the second reading of these two Bills to-morrow se'nnight; for which day he moved that the Lords be summoned.—Ordered.

Prince Regent's Message respecting the Duke of Wellington.] The Earl of Liverpool presented a Message from his royal highness the Prince Regent; for a copy of which, see this day's proceedings of the Commons.

The Message having been as usual read again by the clerk,

The Earl of Liverpool moved, that it be taken into consideration to-morrow, and that the Lords be summoned.—Ordered.—Royal messages were also delivered by the noble earl in the cases of lords Lynedock, Hill, and Beresford; which were, with the foregoing, severally ordered to be taken into consideration to-morrow.

Earl Grey's Motion for an Address to the Prince Regent respecting the Blockade of Norway.] Earl *Grey* rose, and spoke nearly as follows:—

In times like these, my lords, marked by so many extraordinary transactions, fraught with so many vicissitudes, and replete with so many dangers, whose auspicious termination is, I trust, about to re-establish the tranquillity of Europe, even in this eventful period, it would not be possible to bring before your lordships a question of greater importance, one more intimately connected with all those principles of justice and honour which establish the security of nations, than that to which I now mean to solicit your lordships' attention. Every maxim of good policy —every maxim of political and moral justice, all those feelings which are imprinted on the hearts of men by the unerring hand of divine truth, before they are transferred into our public codes of legislation, all these must be deliberately considered by your lordships this night, ere you decide upon the fate of Norway, ere you determine her rights as a nation, ere you dispose of the destiny, perhaps the existence, of her people. And what people is it, whose fate you are thus to decide?—A people who have never done you any wrong, who have never injured any of your interests; a people who are known to you only by their virtuous character, by their meritorious services, by their interchange of good offices, by their extension of your commercial relations, and by their constant and unremitting discharge of all those duties which constitute the moral greatness and happiness of a nation. —I will not do your lordships the injustice to suppose that it is necessary to bespeak your patient and impartial attention to this subject, still less to suspect that you can be disinclined to the consideration of it at all. I shall proceed, therefore, to lay before you those views of it which I entertain, and which, if adopted by your lordships in your decision this night, may be sufficient ground to induce you to control the executive government in what may appear contrary to sound policy, contrary to that which is essentially characteristic of all sound policy, justice, or which is incompatible with the honour and dignity of the British crown. There is one thing, however, which I wish to premise. It cannot be necessary to recal your lordships' attention to the treaty that was signed with Sweden last year, which was laid before your lordships, and which your lordships sanctioned, notwithstanding the opposition which was made to it by myself and some of my friends. It may be prejudice, it may be obstinacy, or it may be ignorance in me; but the opinion I then expressed I still retain in its fullest extent; I still think that British policy never sustained a deeper shock, the British character never received a deeper stain than in that transaction. I do not wish that you should retrace your steps, or recal a sanction, which, perhaps, it is no longer in your power to withhold—neither do I wish you to recommend any evasion of stipulations, or to escape any conditions, to the performance of which the good faith and honour of the country are pledged, however much it might be wished that such obligations had never been contracted. I know how weak my influence is in this House, and that whatever I may possess, little as it is, depends upon the credit, I trust, I have in it for sincerity and candour; but I will say, that there is no inducement on earth would urge me to persuade you to recede from objects which are stipulated and secured by the solemn guarantee of treaties. I am incapable of pleading for such a cause by any trick of argument, or any subtleties of distinction; and if it shall appear that under a fair construction of the Swedish Treaty, we have contracted an engagement of assisting by the co-operation of force in the reduction of Norway; if that can be shewn; if it can be shewn that the conditions agreed to, require us now to act, and that the measures taken to blockade Norway can be justified by honour and justice; then, my lords, I call upon you to reject the motion I propose to submit to you. But, on the contrary, if it shall appear that you have contracted no such engagement, that while your good faith remains free and untouched, the measures you are pursuing are in direct violation of national honour, of social rights, and of political justice; why then, I hope I shall not plead in vain at a moment like the present, when all these principles are acknowledged and respected in the great questions that are now under discussion, as affecting the whole of Europe.

The subjects which naturally present themselves for your lordships' consideration are,

First, Whether under a fair construction of the Treaty with Sweden such obligations can be urged as must be contended for to justify the measures that are now pursuing;

Secondly, Whether the obligations themselves are such as can be vindicated, according to the established principles of the law of nations, and the political rights of mankind;

Thirdly, Whether the king of Sweden, by the faithful performance of his part of the contract, was entitled to call upon us for the full discharge of our part of it; and,

Lastly, Whether the maxims of sound policy could justify such measures as are now pursuing with regard to Norway.

The first of these is a question of construction merely, and here it will be necessary to refer to the Treaty of last year, to carry back our recollections to the period when it was framed, to the objects contemplated at the time, and to the explanations given of it by the framers themselves; that is, by his Majesty's ministers. It will be unnecessary to recal to your lordships the circumstances under which that Treaty was entered into. The invasion of Russia had taken place: an invasion which characterised, more than any other event I can remember, that system of violence and injustice pursued by the late government of France, and which has recently been so nobly revenged in the way that led to the present auspicious situation of public affairs in Europe. We acceded to the terms of a Treaty concluded between Russia and Sweden, by which we agreed, provided Sweden performed certain conditions, not to oppose the annexation of Norway to Sweden, but to use our good offices in obtaining that annexation, and even to employ force for the purpose, if necessary. Upon what conditions, however, did the employment of force depend? Force was not to be employed unless the king of Denmark refused to join the northern alliance. If, therefore, by the co-operation of force we made the king of Denmark join the allied powers, then we accomplished all that we undertook, and every stipulation was thus fulfilled. This, and this alone, was what we specifically undertook. As to what might be the subsequent condition of the people of Norway, it formed no part of our engagements; we did not guarantee the peaceable possession of the country by Sweden. I wish your lordships' attention to be particularly fixed upon this; because, in the Treaty between Sweden and Russia, the possession is guaranteed, while it is excepted and excluded in our Treaty with Sweden. It cannot, therefore, be contended, that we are bound to any such guarantee; and with regard to the mere construction of the Treaty, the case is clear and distinct. But I should be sorry to stop here: I should be sorry to rest upon any judgment of my own, when so much higher authorities are within my reach, and which amply support my construction. I have, I say, the authority of the framers of the Treaty themselves: his Majesty's ministers are my authorities. And here I beg leave, in the first place, to refer to a paper which, for reasons that I am unacquainted with, has not yet found its way to the public eye, in the usual course of such documents. In the Treaty signed with Denmark on the 14th of last January, I find, in the tenth article, the following declaration:—"Whereas his Danish majesty, in virtue of the Treaty of Peace this day concluded with the king of Sweden, has to his said majesty ceded Norway for a certain provided indemnity; his Britannic Majesty, who thus has seen his engagements contracted with Sweden in this respect fulfilled, promises, &c." Here is an acknowledgment on the part of those who framed the Treaty, that the cession of Norway by Denmark (I shall say a word or two presently upon its validity and execution) was a complete fulfilment on our part of the conditions which we had stipulated. But the question does not even rest here. I have referred your lordships to what passed last year, when the terms of the Swedish Treaty were discussed. It will be remembered that questions arose, and doubts were stated by myself and others, as to the extent of our engagements with regard to ensuring the peaceable possession of Norway and Guadaloupe; and it was answered, that no guarantee of their peaceable possession was either expressed or implied. In another place, my lords, I have also, in support of my argument, the authority of that particular minister (lord Castlereagh) whose peculiar duty it is to watch over our foreign relations, and whose authority, if there can be any difference of weight between the authority of one minister and another, is most entitled to prevail. He, in reply to some questions that were asked, expressed his surprise in the first place, that any one could be so unacquainted with the nature of public treaties, as to imagine that any guarantee could be contracted which was not expressed; and in the second, declared, that no guarantee was contracted with Sweden for the peaceable possession of Norway. Why, then, if this be correct, and from the manner of the noble lord opposite he seems to assent to it, I call upon you, my lords, to declare whether the cession of Norway to Sweden was not the only object in view, and not the securing its peaceable possession. I do say, therefore, that I think a plainer case upon the construction of a treaty never existed, and that we are fettered by no such obligation as that by which the blockade of Norway is now defended.—The employment of force, as I have already shewn, was made to depend upon the performance or non-performance of certain things by Denmark; and even if force were resorted to, it was to be used with every possible regard to the comfort and feelings of the inhabitants of Norway!—At what a moment, too, are we now called upon to co-operate with Sweden in forcing the Norwegians to submission? After Denmark has acceded to the northern alliance; when her troops have marched in support of the common cause; and when she has not only ceded Norway, as far as she could cede it, but has fulfilled that condition upon the refusal of which the co-operation of force was distinctly made to depend. Upon the question of construction, therefore, if it rested upon that ground only, I think a clearer case is made out than was ever submitted to parliament. But there are other grounds. When there is any thing ambiguous, nothing is more obvious, than that where two meanings are contended for, the one lawful and the other not, we are bound in any case, and especially in a doubtful case, to do that which is lawful. But when we come to consider a question of right, and whether this is an obligation which we did or can contract, I maintain that it is fundamentally void, as contrary to the most acknowledged principles of law and justice. I speak in the hearing of lawyers, who are not unused to subtleties of distinction, nor to those evasions which they so often defeat; and I ask them, whether any individual, seeking the fulfilment of a contract depending upon an unlawful obligation, would be listened to in a court of justice? He would be told, and justly told, that his loss was his own fault; the consequence of his own dishonesty, in attempting to evade those moral ties which are binding upon every man of honour. This would be the language of the law, with regard to individuals; and, my lords, amongst nations, though there is no such superior tribunal to appeal to, yet the principles are the same in the one case and the other, whether between individuals or between states. No matter to what degree the impunity of power may silence the claims of right, its nature cannot be altered; it is equally sacred, equally important, and is equally to be recognised in every attempt to protect the weak against the strong. Let us examine now, what are the rights of kings in relation to their subjects. If the question stood upon that single foundation, the common advantages and the common consent of the people, if it were limited by that condition which imposes the mutual obligation of allegiance and protection, it would be easily decided. The rights of the sovereign over his subjects are not the rights of property; they do not confer the privilege of transferring them from one owner to another, like cattle attached to the soil. If this were all we had to consider, I, in speaking to a British House of Parliament, speaking in the nineteenth century, and at an era like the present, should only need to state the principle, and obtain its sanction by universal acclamation. His Majesty sits on the throne in virtue of the recognition of this fundamental principle; we stand here, and enjoy freedom of speech, upon its basis, that a prince using his power to the injury of his people, or, in the words of our ancestors, having been guilty of violating the original compact between the sovereign and the people, forfeits his right to the crown. If James, instead of invading the rights and liberties of the subject in the way he did, had meditated the monstrous scheme of transferring the people of this country to the jurisdiction and possession of a foreign power, would that have been considered a less crime against the general rights of mankind, or a less infringement upon that compact by which kings reign and subjects obey?

The king of Denmark, his lordship contended, had no right to alienate the sovereignty of Norway without the consent of the people. He might withdraw himself from their protection, he might absolve them from their allegiance to him, but he had no right to transfer that allegiance to any other state; it became then the right of the people to decide to whom their allegiance should be given. Was it necessary for him to quote authorities in support of this doctrine, which was upheld by the first principles of natural right and justice? If, however, authorities in support of so plain and clear a principle were to be considered requisite, the best writers upon public law were undoubtedly on that side. His lordship here read passages from Grotius, Puffendorff, and Vattel, all clearly maintaining the doctrine, that the sovereign of a state could not transfer the allegiance of the people; that he might, in case of necessity, withdraw his garrisons from their towns, and give up all claim to their obedience; but that it then rested with the people to determine to whom they would submit. It might, perhaps, be suggested on the other side, that there was a difference between a sovereignty and a patrimony. Nothing, however, could be found in these writers to render this question at all clear; and the notes on Grotius shewed its absurdity, by stating the reasoning in a circle, which was alone applied to it, namely, that a patrimony was a state or dependency which might be transferred, although an integral state could not. Upon this point, however, there could be no doubt with regard to Norway, that the king of Denmark was the sovereign, and not the proprietor, and therefore had no right to transfer the allegiance of the people. Norway, in the earlier period of its history, was, like England, divided into many petty states, which were subsequently all united under the dominion of Harold Harfage. Much division afterwards arose in consequence of the claims of his numerous family. They were at length united with Denmark, under Canute the Great. Subsequently Norway belonged sometimes to Sweden and sometimes to Denmark, with intervals of independence; but ultimately, about the year 1360, was united to the latter by the marriage of the king of Norway to the heiress of Denmark. It was, however, only united under one sovereignty, the states of Norway being an independent legislature, as the parliament of Ireland was before the Union of that kingdom to

Great Britain. Norway was, therefore, an integrally independent state. Instances of transfers of territory were noticed in the writers whom he had quoted, such as Franche Comte and Lorrain, and fiefs in Germany; but in none of them was there any instance given of the transfer of an integrally independent state without the consent of the people. Cases might also be mentioned of the transfer of colonies and dependencies, such as Martinique and Guadaloupe; but none of these had any bearing whatever upon the question, nor in these instances had any opposition been made by the people transferred. He trusted, however, that no argument of this kind, which referred merely to colonies and dependencies, would be brought forward as an endeavour to justify the attempt to transfer the allegiance of the whole people of an independent state, without their consent, an attempt made in contradiction to the established maxims of public law, and the first principles of right and justice. To try the effect, as to public opinion, of attempting to force the people of Norway to submit, they need only look back to an event within the recollection of many of their lordships, the subjugation of Corsica by France: who was there that thought of justifying the conduct of France towards Corsica? who was there that dreamed of stigmatizing the opposition of the people of Corsica to the unjust pretensions of France, as rebellious? And was it to be supposed, that an attempt to compel by force the people of Norway to submit to the domination of a foreigner would not be viewed by all mankind with feelings of detestation? In what light was the project of Edward the first, upon Scotland, and the means he took to carry it into execution, viewed by impartial posterity, and justly stigmatized by the historian; means which bore a strong resemblance to those recently used with regard to Spain. Edward having got into his power Baliol, the claimant to the Scottish crown, forced him to sign an absolute renunciation of all his claims; and then endeavoured to compel, by force of arms, the people of Scotland to submit to his sway? Who was there that now stigmatized Wallace as a traitor for defending his country against the unjust pretensions of Edward? who was there that did not consider the execution of that hero as a foul stain upon the character of the greatest captain of his age, which obscured all the glories of his reign?

"Scots, wha ha'e with Wallace bled,
Scots, whom Bruce has often led,
Welcome to your gory bed,
Or to victory!"

Who was there that heard these lines who did not feel his heart beat high with the fervour of patriotism, who did not feel his muscles dilate with sensations of extasy at the patriotic sentiments manifested by a whole people in defence of their independence? The same spirit was displayed by the Scottish barons in their Declaration. The same principle was also acknowledged by the French king, when the Pope declared this kingdom forfeited, and transferred it to him; who stated, that it could not be transferred without the consent of the barons of England. When the cession likewise of some parts of France was made by Richard 2, the people resisted it, upon the ground that there existed no right to transfer their allegiance. Every thing, therefore, clearly proved the principle, that no sovereign possessed a right to transfer the allegiance of the people over whom he ruled—a principle distinctly understood and distinctly recognised—a principle founded in natural right and justice, and supported as such by every writer of any authority upon public law. The king of Denmark had done all that we were by treaty bound to assist in compelling him to do, namely, to cede the kingdom of Norway; to transfer the allegiance of the people was beyond his power—was what he had no right to do, and what therefore no country had any right to interfere to bring about by compulsion, where no legal power existed to make the demand.

He now came to the third part of his subject, the assistance furnished by Sweden to the common cause, in pursuance of treaty; and had the papers he moved for contained the information which the House had a right to expect, he believed he should have been able to have proved as plainly as the other parts of the subject, that Sweden had not fulfilled the obligations she had contracted by treaty, and therefore had no right to call upon this country to fulfil hers.—The papers, however, laid upon the table did not afford the requisite information: they were vague, and, with all respect to the quarter from whence they came, he must say they did not give a correct statement. A paper from the Foreign-office, dated May 6, stated, that by a dispatch from Edward Thornton, esq. his Majesty's envoy to

Sweden, dated the preceding June, it appeared that 30,095 Swedish troops were employed on the continent of Europe, with some other detachments, and including the landsturm of Pomerania; and no other information was given. It had been said, that those who attempted imposition should have good memories; and it seemed that those who produced this paper had forgotten a paper which was laid upon the table last session, dated in June, and in which it was stated by the latest advices it appeared, that 28,000 Swedish troops had landed at Stralsund. By the continent of Europe could only be meant the theatre of war in Germany, and not their being landed at Stralsund. Had the Foreign-office no information upon a subject upon which, of all others, they ought to have been informed, particularly as he observed that two payments of the subsidy, of 100,000*l.* and 150,000*l.* had been made, in March and June last; or did they intend to deceive the House and the country?

Has the Foreign-office had no information respecting the number of Swedish troops actually in the field to co-operate with the allies? Has Sweden ever fulfilled the contract to which she was pledged by her treaty with this country? Have sir Charles Stewart and Mr. Thornton ever stated in their dispatches the non-performance of that contract? Has Sweden ever acted with effect in aid of the common cause? I should wish to have that gallant veteran, general Blucher, examined before your lordships upon this subject. Even after the battle of Bautzen, when the cause of Europe appeared to have been lost, when, in effect, if it were not for the extravagance and folly of the individual whose power was now no more, the object of the allies might have been defeated, Sweden had not a man in the field, or in progress to the field, although her treaty with this country, in which she engaged to supply her contingent, was signed in the preceding month of March. Nay, so late as the battle of Leipsic, I ask, whether sir Charles Stewart did not communicate to ministers, that the Crown Prince of Sweden had failed in executing the engagements of his government? and I will ask still further, what has the Crown Prince done since the battle of Leipsic? Has he made a single movement favourable to the main object of the allies? Did the Prince move to support the allies in their attack upon France?—No. When it was stated last year, as an objection to the treaty with Sweden, that the promise respecting Norway was likely to defeat the object of that treaty, from the probable disposition of Sweden to give its solicitude for Norway a priority to the common view of the allies, ministers entirely discarded any such apprehension. But what has been the result—why, that the Crown Prince, instead of joining the allies against the common enemy, directed his first attacks against Denmark, with a view to the possession of Norway. In January last Denmark agreed, by treaty, to cede Norway to Sweden, and what then—why that while, in the months of February and March, rivers of blood were flowing in France, the Crown Prince moved not a single soldier to act with the allies. Not a movement indeed was made by that Prince in conjunction with the allies, until the 16th of April, when he thought proper to visit Paris. Here the noble earl read an article from a paper published at Liege, which had, he said, all the character of a demi-official document. In this article it was stated, that every body was surprised at the inactivity of the Crown Prince while the allies were pressing upon France; but that the fact was, this Prince had not been equitably treated, by the allies having declined, notwithstanding his solicitation as a member of the confederacy, to admit a Swedish minister at the Congress of Chatillon; and the Hanseatic Legion, which was promised to act under the direction of this Prince, having been transferred to the command of general Bulow. For what reason then, said the noble lord, was this legion, if the statement be true, transferred to general Bulow, if the Crown Prince were not suspected of an indisposition to employ the force under his orders in support of the common cause of the allies? But whether this statement were right or wrong, and it could not at the time be safely published in a Liege Journal without some authority; the fact is, that the Swedish army remained inactive—that it took no part whatever with the allies until the object of the war was attained, when the Crown Prince proceeded to Paris to enjoy a participation of the triumph. This prince then having so failed in the performance of his engagements by treaty with this country, can the British government be called upon to perform its part of the treaty, and especially a part of so odious a nature as involves the use of force to reduce an independent and gallant people to submit to a foreign state—a part, the fulfilment of which is, as I have shewn, contrary to all the established principles of public law, of acknowledged morality, of common justice, and natural right? I call upon ministers to explain the motives of their conduct. I stand upon the strong ground of justice. I have established the position as firmly as any moral reasoning can be reduced to the precision of mathematical certainty, that we have no right to force the Norwegians to submit to Sweden. I think also I have demonstrated to the satisfaction of every candid mind, that Sweden has failed in her engagements to this country; and that, having so failed, she is not entitled to call upon our government to perform its part of the treaty in which those engagements were concluded. I have shewn that the performance of our part of this treaty in the way proposed, and now acted upon, is contrary to justice and morality; but I maintain farther, that it is equally contrary to every principle of true policy. Upon the discussion of the Swedish Treaty last year, it was argued, that it was politic to increase the strength of our ally, Sweden, by the annexation of Norway; while the grant of some German possessions to Denmark was the best mode of inducing her to feel a common interest with the allies, and of course with us. But that argument could now have no material weight, while the increase of the strength of Sweden could not be deemed wise, with any view to permanent policy. For under every consideration of probability, Sweden will still incline to France. She is still jealous of Russia; of that power with which, as it has always been my opinion, and as recent events must have clearly demonstrated, it is the peculiar interest of this country to cultivate a friendly and intimate connection. Is it then wise to strengthen the power of Sweden? For notwithstanding all that has recently occurred—notwithstanding the restoration of the ancient dynasty, which, no doubt, under all the circumstances, holds out a fair prospect of long repose and amity with France, yet he must be a very sanguine politician who calculates that the old rivalship and jealousy of France with respect to this country are likely to expire. Indeed, if I am rightly informed, measures are in progress which threaten the increase and inflammation of that national jealousy. At these measures I think it proper only to hint for the present. I do not, indeed, feel it necessary to be distinct upon the subject; but I would advise ministers to avoid every measure likely to irritate the feelings of the people of France, and to endeavour by all the means in their power to reconcile that people to their government, as the best mode of preventing or mitigating national antipathy, of promoting harmony, and prolonging peace. In a word, I should recommend a studious abstinence from any proceeding at all likely to produce a feeling of national humiliation on the part of the French, or that should seem in the slightest degree to resemble the dictation of conquest. The best way of settling Europe, and securing peace, is to settle France—to guard against disturbance or discontent in that country. But whatever arrangements may be made in France, I should, with a view to the permanent policy of this country, deprecate the annexation of Norway to Sweden. Therefore, if we had to enter into the discussion of this question *de novo,* I should oppose the policy of ministers. I should indeed rather see Norway an independent kingdom, as the Norwegians themselves desire, than have it annexed to Sweden, or even restored to Denmark; for from the resources which Norway possesses, especially for the supply of our navy, her independence might be rendered of peculiar advantage to this country; particularly when these resources were cultivated by that spirit which must naturally result from the enjoyment of freedom and independence. Therefore policy, as well as justice and right, serve to fortify the conclusion I maintain; namely, that ministers should advise the Prince Regent immediately to withdraw the order for the blockade of Norway, and interpose his influence in favour of the just claims of the Norwegian people.

I now come to a point which is separate from the argument, upon the policy of the question respecting the annexation of Norway to Sweden. It has been stated, that Denmark has not acted *bona fide* in the execution of her treaty for the cession of Norway—that the Danish government has fomented or countenanced the resistance of the Norwegians; and that that resistance is not the act of the Norwegian people generally, but the work of a mere faction. But before your lordships would give any credit to such a serious charge against the Danish government, you would naturally require some proof. I have to state, that if such a charge be repeated in this House, I am instructed distinctly to deny that any Danish troops assisted, or ever have assisted, the insurrection of the Norwegian people. All the garrisons of Norway are and always have been defended by Norwegian soldiers; and those soldiers, abandoning their allegiance to the Danish government, have assisted the glorious efforts which the people of Norway are so nobly making to preserve their independence, to save their country from the dominion of a foreign state, against which they entertain a strong aversion. Then, as to the assertion that the insurrection in Norway is the work of a mere faction—if that assertion be true, the blockade ordered by our government is not only unjust, but unnecessary. For Russia and Sweden might easily contrive to put down such a faction without that blockade. Either this assertion is true or false—either the insurrection is the work of a faction or of the people—if the one, the blockade is unnecessary; if the other, such an employment of our force is, as I have shewn, contrary to every principle of public law, and degrading, as I contend, to the character of the country. But if, as it has been asserted, Denmark were really guilty of a dereliction of its engagements to Sweden—if she has violated her treaty, hostility should be directed against her, rather than against Norway. If Denmark be deemed criminal for not withdrawing the garrisons of Norway, the former is more properly the object of attack than the latter. In every point of view indeed, the attack upon the Norwegians, on our part at least, is not only unjust but unnecessary. But, to strengthen the charge against Denmark, it is urged, that the king whom the Norwegian people have appointed is presumptive heir to the crown of Denmark—and what proof does this fact afford of the co-operation of the Danish government in the insurrection of the Norwegian people? Norway is the better half of the Danish dominions—better, far better indeed in extent and means of defence, and nearly half in population. Prince Christian therefore took his choice; and were I in his situation, I should certainly make the same election—but how does the act of Prince Christian implicate the Danish government?

It is said by the advocates for the policy of ministers, and with some air of triumph too, that very important advantages have been promised to the Norwegian people, if they would submit to be transferred to the dominion of Sweden. I have seen, no doubt, a proclamation upon this subject containing many promises; but how and when this proclamation was circulated, it is unnecessary to observe. I shall, however, observe, that similarly flattering promises were made by France to Corsica; but were they ever performed? Still the proclamation of the Swedish government was accompanied by a demand that the Norwegians should submit; or if not, that force would be employed to compel their submission. Therefore, no alternative was left to these people, while promises of liberty were made, backed by the threat of a military force. But even admitting these promises were made in perfect good faith, is it to be argued, that any country shall be obliged to accept what a foreign state thinks proper to consider as happiness? No sort of tyranny can, in my judgment, be conceived more complete, than that a government should undertake to choose and force a people to submit to that system which such government may regard as happy, although the people might think quite the contrary. Upon the authority, however, of the agent for Norway, now in this country, who is, in my opinion, eminently entitled to peculiar respect and regard, I can undertake to state, that the Norwegian neither is nor has been a despotic government; but on the contrary, that, although nominally despotic, the people have always enjoyed the utmost practical happiness, and that of course the people of Norway would

"——rather bear the ills they have
"Than fly to others that they know not of."

But, I repeat, that rather, infinitely rather, than have Norway transferred to Sweden, I should wish to see it erected into an independent state. Therefore, I maintain, that whatever terms or promises may be held out to the Norwegians by the Swedish government, I should deprecate the hostility waged against Norway, because the feeling of the people of Norway is decidedly adverse to the connection.

I have quoted many cases to your lordships from the highest authorities on record; but I will now quote one case which must be immediately present to your memory, and which is quite analogous to this question, I mean the case of Spain; in the delivery of which country from the yoke of a foreign state, our army was so gloriously triumphant. Ferdinand the 7th ceded his government and crown to Buonaparté; and if it was the right of Ferdinand to make that cession, it was equally the right of Denmark to cede Norway. Yet the Spanish people resisted the cession, and we seconded that resistance—although this country had at a remote period asserted the right of Baliol to surrender the Scottish throne to Edward 1st, which is a precedent, however, I should think not likely to be quoted upon the present occasion. The "universal Spanish nation," as it was denominated, rushed into insurrection against the act of its monarch, and we, I repeat, supported the right of that people. If it be stated, that Ferdinand yielded to the compulsion of circumstances, I will ask, whether any circumstances of compulsion existed to extort from Denmark the surrender of Norway, and whether the same principle which justified an interposition in favour of the Spanish people does not equally call for interposition in favour of the people of Norway—or whether we could consistently maintain that principle with respect to Spain, and suddenly turn round and abandon it with respect to Denmark?

We have been told, that a negociation has been instituted with respect to Norway; but if it were said that this negociation left any opening for an arrangement agreeable to the will of the Norwegian people, I should instantly withdraw my motion. Understanding, however, that it leaves no alternative to this gallant people, but submission to a power which it detests, and that force is employed to compel that submission, I feel it my duty to persevere. I feel it a duty which I owe to humanity to rescue it from outrage—I feel it a duty which I owe to my country, and to your lordships, not to allow its character and yours to be stained by an acquiescence in that outrage. The agent for Norway, to whom I have before alluded, glowing with the enthusiasm which fills the hearts of his brave countrymen, and who still hopes that ministers may be induced to shrink from the inglorious undertaking of subjugating his country by force, has called upon me to make the case of Norway known to your lordships, to the British nation, and to Europe. I have therefore thought it my duty to bring forward the motion with which I mean to conclude; and as to the capability of the Norwegians to resist foreign domination, and especially Sweden, let your lordships judge from their conduct in the days of Gustavus Adolphus and Charles the 12th. I do besides feel a lively interest in favour of a nation struggling so valiantly as the Norwegians continue to do, in support of their rights and privileges; and it will be consistent with the honour and character of this country, and your lordships, to manifest a similar feeling. If it be said, that the tendency of my motion would be to engage this country in a war with Russia and Sweden, still I should say, that, whatever result might follow, I would ask my country, for the sake of its credit and character, for the sake of justice and humanity, to co-operate in the honourable and glorious cause of Norway.

The noble lord concluded with moving, "That an humble address be presented to his royal highness the Prince Regent, humbly to request that his Royal Highness would be graciously pleased to interpose his mediation to rescue the unoffending people of Norway from the dreadful alternative of famine, or of subjugation to the yoke of a foreign and hostile power; and that during the discussion of such proposals as his Royal Highness may be advised to make for this most desirable object, all hostile operations on the part of this country, against a people struggling for the sacred right of national independence, may be discontinued." The motion having been read,

The Earl of *Harrowby* said, that as he felt at all times considerable difficulty in addressing their lordships, that difficulty was greatly increased, from his being obliged to oppose the noble earl who had last addressed their lordships, in a speech replete with all the considerations that could affect mankind, dressed in the most glowing eloquence, and supported by all the advantages which could arise from the most extensive review of the subject. But if their lordships would not permit themselves to be dazzled by the brilliancy of eloquence, or confounded by the light of antiquarian research, but would admit a little practical common sense into the discussion, he hoped he should be able to persuade them to reject the proposition which had been submitted to their judgment by the noble earl. He (lord H.) should, in the consideration of the important subject before the House, take as the first that topic which the noble earl had taken in that order, viz. the construction of the Treaty of this government with Sweden. The noble earl (Grey) had contended, that after having procured the nominal cession of Norway to the Swedish crown, we had performed all which by treaty we were bound to perform, and that our present efforts were gratuitous. The contrary, however, he trusted he should be able to persuade the House, was the true construction; for what was the intention of the parties at the time of contracting the Treaty? It was the desire of this country, at a time when the co-operation of Sweden was most essential to the interests of Europe, to obtain the assistance of that power against the common enemy; and to that end we engaged to put Sweden in possession of Norway; which being in the possession of a hostile state, rendered it insecure for Sweden to withdraw from its own territories its military force. Our intentions, therefore, were such, that even if the words had not been so binding as they actually were, there would be no doubt but that we should *bona fide* be held to secure to Sweden the possession of the country in question. In the Treaty between the emperor of Russia and king of Sweden, the former power pledged itself to the latter that it would, by negociation or by military co-operation, procure for the crown of Sweden the possession of Norway. The crown of Great Britain, also, pledged itself to effect the same object, either by its good offices with Denmark, or by its naval co-operation. It was certainly provided, that we should not attempt to employ force without making fair offers to Denmark to induce it to accede to the general confederacy. He (lord H.) therefore, contended, that unless in the nature of the Treaty there was something which rendered it null and void, or in the conduct of the other contracting party, something which should absolve us from our engagements, we ought not to stop short at the nominal cession. He was unwilling to detain their lordships longer on this subject, because it appeared to him as plain as any proposition possibly could be, that this was the true construction. But there was another circumstance adduced by the noble earl (Grey), that Russia had guaranteed the possession of Norway to Sweden, and that we had not guaranteed it; whence he concluded, that it was merely the cession by treaty that we undertook to procure. But why did we not guarantee the possession? Because it had been a part of the wise policy of this country, which had been adhered to in this as in every other case, that we should avoid guaranteeing the perpetual possession of any country. As to the justice of the Treaty in question, the noble earl (Grey) had quoted several grave authorities, which he (lord H.) much rejoiced were not now, as they had at one time been, disregarded, as he considered them most important landmarks in the wide field of politics; but though these writers were good judges of political property, yet they could not be held to possess that infallibility which even good Catholics denied to the supreme pontiff, whose dictates were not supposed to be infallible, unless they were consistent with the consent and practice of the universal church. If, however, these writers were unanimous, it would be a great stretch of presumption in an individual to oppose their decision; but there was certainly great difference among the writers on the law of nations on this subject; some asserting that a patrimonial sovereignty could not be conveyed by its sovereign, while Grotius maintained that any sovereignty might be alienated by him to whom it clearly belonged. The noble earl (Grey) had quoted an author of great weight (Vattel), to prove that a kingdom could not be alienated without the consent of its inhabitants; yet that same author states, that if any town or province be wrested by arms from its sovereign, it had no cause to complain. There was another author for whom their lordships would have a great respect—he meant Dr. Paley, whose opinion on this subject might not be useless. He said, that the law of nations depended on the fact of its being established—no matter when or by whom. Looking, therefore, at those treaties by which long wars had been concluded, as the practical exposition of the law of nations, we should find, that on many occasions had cessions been made of whole states. By the treaty of Westphalia, and by that of Utrecht, as well as by that of Amiens, which terminated the late war, cessions of whole countries had been made. This last treaty had been considered as unjust, by several lords who were then present; but among the great men, of all parties—among all those who inculpated that treaty, there was no one found who thought it unjust merely because it ceded countries; though some thought it unjust because it ceded countries which had been guaranteed by former conventions. Among the countries ceded at different times by these treaties, were the small states of Italy, Sicily (certainly as much an independent state as Norway), Naples, and the Low Countries: indeed, almost every state, except the great countries of Europe, had at times been transferred from one power to another. If the proposition of the noble earl (Grey) were adopted, what would become of the saying of the great lord Chatham—that he would conquer Germany in America? If it were denied that Sweden could justly conquer Norway in Holstein, the saying of that great man would be founded on gross injustice. No sovereign, he would allow, could cede the whole of his dominions; but when sorely pressed in war by a foreign power, he might, for the salvation of the remainder, cede a part of his territories; the inhabitants of which were then bound to submit peaceably, for the general good of the whole state. To bring this proposition to the test of all public law, general utility, how would it be found to stand? Unless this proposition were adopted, it would be found that there could be no alteration in the state of Europe without the complete conquest of some state. If it were necessary to obtain the consent of the people in order to authorise the cession of any state, what would be the consequence? A power might find itself in possession of a province belonging to another state, which it would willingly relinquish for some other portion of territory, which its enemy would be willing to cede; but yet this arrangement, however wished for by both parties, could not be carried into effect, because it was impossible that the power which was willing to cede could secure the consent of the inhabitants of the territory which it wished to deliver over. By reason of this state of things, it would be necessary for the conquering power to resort to means for disarming the inhabitants, and every species of tyranny, because their submission could never be calculated on. No such thing as a treaty of peace could exist; all things must remain at the end of the war as they were at the beginning, or one of the contending countries must have been completely subdued by and incorporated with the other. Rather than admit the confusion to which such a rule of action would necessarily lead, he was disposed to admit the general rule,—subject certainly to many exceptions,—that every part of a sovereignty ought to hold itself bound, if ceded by its legal government, quietly to submit to the government of the power to which it was ceded; and that every part of a state should consider itself liable to be ceded at any time for the general welfare of the state. In the same manner, for the safety and happiness of the whole community was the welfare and liberty of individuals restrained and impaired. He would ask the noble earl (Grey) whether there could really be any parallel between the cases of Norway and that of Spain? If that noble earl thought the two cases were parallel, there was some such radical difference between the mind of that noble earl and his own, that he (lord H.) despaired of making any of his arguments comprehensible to the noble earl. Was there no difference between the cession of the whole of a sovereign's dominions and the cession of a part for the good of the whole? Was there no difference between cession produced by personal compulsion, and cession necessitated by the danger of the state? When a sovereign yielded a part of his dominions through personal compulsion, he had no will of his own; whereas in the other case the monarch acted deliberately for the good of the nation. Was there no dissimilarity in the cases, in one of which the whole Spanish nation was driven to resist the oppression of the French government; and that of Norway, which had been ceded by the Danish government, and was thus delivered from an arbitrary power to a free government, with all the blessings offered to it which a free constitution could bestow? With respect to the performance of the Treaty on the part of Sweden, he did not see that this power could be pronounced to have neglected its stipulations with regard to its contingent of troops. Much attention should be paid to the dates on this occasion; and it would then be seen, that on the 26th of June, it was known in this country, that 28,000 Swedish troops had landed at Stralsund; whence it was possible, nay, extremely probable, that by the 26th of June 30,000 men were actually at that place. It had been said, that we should have had constantly an officer accompanying the Swedish army, to ascertain whether their numbers were always fully kept up—whether such would have been a good stipulation to have been introduced into the Treaty, he should not pretend to determine, nor was it for their lordships then to debate; but there certainly was no such stipulation in the Treaty; so that it could not be contended, that this agreement was vitiated because we had no officer present to ascertain whether at all times the losses occasioned by engagements and other causes were with due diligence repaired. The noble earl (Grey) felt a strong disposition to render null the Treaty, because he was not certain that the exact numbers were always kept up. If such anxiety to find flaws in the Treaty with Sweden had been manifested at a time when it might have deprived us of the co-operation of that power, the event of the present war might not have been so happy for all Europe. It was sufficient for us to know that if an adequate diversion had not been created in the rear of the formidable French army in Russia, by the landing of the Prince Royal at Stralsund, instead of entering thus coolly into the minutiæ of our engagements with Sweden, their lordships might now have been deliberating how to maintain our shores safe from foreign invasion. It was supposed by the noble earl, that the course taken by the Prince Royal, after the battle of Leipsic, was not conducive to the interests of the allied cause; but supposing the course then adopted, in concert with the Allies, not to have been the best military measure possible, was it on account of a doubtful military measure that we were to depart from a *bona fide* agreement? As to the policy of the Treaty, it was very wisely held, at the time of its conclusion, to be our best policy to increase and strengthen the few states which, like ourselves, were insular and independent. Why was this policy now supposed questionable, but because, from our having pursued it with success, events had been brought about which had surpassed our most sanguine expectations? It was not now justifiable in us to disregard those treaties from which such incalculable benefits had been derived, but to pursue the straight forward path which had already led us from danger to safety. The Norwegians had no claims on our forbearance; they had never, during the struggle for the deliverance of Europe, called on us to allow them to be independent of Denmark, but had assisted to the utmost that power in its co-operation with the tyrant who then governed France and oppressed Europe. Was it to be considered, that a province, which its government was not able to protect, became safe when that government deserted it? Was a state to be considered as a polypus, whose head or tail, severed from it, became an entire being? There were facts rather suspicious attending the declaration of the Norwegians; the heir presumptive to the crown of Denmark went from Copenhagen to Norway, and was declared sovereign of Norway. The terms also on which Sweden was willing to receive the Norwegians under its government, were sedulously concealed from them. But even if the people of Norway were in some degree sacrificed, considering our engagements with the crown of Sweden, and that this was the only sacrifice to the general liberty of Europe, while liberty was secured to the Norwegians by the prince to whom they were ceded, and guaranteed by one of the most powerful nations of Europe, he trusted their lordships would not think it consistent with the best policy, with honour, and with justice, to interrupt the executive government in the proceedings which it had adopted in pursuance of our national engagements.

Lord *Grenville*.—My lords; on several former occasions when this subject has been noticed in parliament, I refrained from interposing any advice of my own, because we were told that discussions regarding Norway were still depending. I confess, when I heard that statement, it gave me considerable pleasure, because I did flatter myself that such discussions on the part of this country, and in the present posture of affairs, would be directed to one object only, and that that object would be conformable to the general sentiment and wish of the nation. I did flatter myself that ministers would take some steps to prevent, not to promote, the accomplishment of that horrible injustice by which an unoffending and independent people were to be bent to the dominion of a foreign power, which during a long course of years has been the unrelenting, unforgiving, and unremitting enemy of Norway. So strong and so deeply rooted is the national antipathy known to be, that the continued rivalry of Great Britain and France, of Spain and Portugal, or of any powerful nation seeking to oppress and subjugate its weaker neighbour, cannot for a moment be compared to the interminable inveteracy existing between the natives of Sweden and Norway. In ancient and in modern times it has been not only the policy, but the boast and pride of this country, that she has protected Norway against the repeated aggressions that Sweden made against her independence.

Feeling, therefore, that this was the character of the question, and seeing what no man could avoid seeing, who had eyes to see, I did trust that ministers had advised the Prince Regent to confirm the good opinion that the public indulged, and to perform an act not less glorious than the most splendid achievements and resolutions of the allies for the consummation of national independence throughout Europe. How miserably was I disappointed, when I found by the silence of the noble lords opposite (more eloquent than any language they could have employed), that the endeavours we were using in the way of discussion were not to produce general tranquillity by kind conciliation, but to produce submission by blockade and famine. When such is the situation of the unfortunate people of Norway, and when this dreadful act of injustice is the first use made of the influence Great Britain has acquired, I should, indeed, think myself criminal if I did not attempt to recal your attention to the old established and true principles of national law, in opposition to the new-fangled doctrine of utility, or in other words, the subversion of all moral principle, the abandonment, or, at best, the discretional exercise, of every moral duty. I cannot forget the unchangeable principles of public liberty; and on their authority I am ready to meet any noble friend front to front, and to contend, that if he wishes to justify France in her innumerable acts of aggression for the last twenty years; if he is desirous to throw a screen over the atrocities which have drawn upon her the hatred of surrounding nations, until, with one consent, they rose, and God be thanked successfully, to resist her aggressions and to punish her crimes, it would be by adopting the principle of utility and expediency, the tyrant's plea, on which all his usurpations have been founded. On the contrary, if you wish to consolidate and unite the interests of the continent, to give effect to the signal interpositions of Providence; if you wish to restore Europe to a state of political tranquillity (for more we cannot hope to perform); if you are willing to revive the blessings of old times, you must restore them by reverting to old principles, and by the unqualified rejection of this new-fangled code, which sweeps down all the revered distinctions between right and wrong, which depends upon the worst of all modern doctrines, and which leads us to build our own principles of morality, not on the immutable and solid basis of justice and rectitude, but upon speculative notions, of what will or will not prove ultimately beneficial. After the able speech delivered by my noble friend (Grey) I little expected that the objections raised on the other side would be rested upon the principle of plain political common sense, and setting at defiance all the ordinary and prevalent feelings of mankind: the feelings and the impressions of the whole country are and must be against them. I had imagined that the argument of the noble earl (Harrowby) would have been established upon some nice doctrine—some abstruse question; and not that he would be reduced, at last, to the necessity of opposing common sense to what, in reality, is the common sense of the whole world. It is, however, necessary for him not only to contemn all solid principles of right, but he must combat and destroy the authority of the phalanx of writers upon the laws of nations: although he could not avoid admitting, in the outset of his attack, that upon their decisions depended the best securities for the observance and preservation of right in human society. It therefore comes to a question, whether we shall abide by those impressions that are implanted in our nature, and which render it impossible that we should hear of great injustice without great indignation, seconded as they are by the doctrines of men of indubitable learning and authority, sanctioned by the long general practice and deliberate adoption of the civilized world, without partial and peculiar views and interests; or whether it be wiser for us to resort to speculative theories of doubtful good, if a certain and grievous act of injustice might ultimately produce some remote and contingent advantage. As to the criticism of the noble earl upon Grotius, if he will take the trouble to read his work again, he will find that the author was only embarrassed by the dicta of former writers; and he will discover, that when Grotius examines the subject in detail, he excludes every case of patrimonial governments: the fair conclusion to be drawn from it is therefore this, that there is no such thing as a patrimonial government; that there are solid and established principles of government in every state, on which the rights of the governors depend, upon which their acts must be founded and decided, and to which all who wish to live in the hearts of their subjects, and in the grateful remembrance of posterity, must conform. I say, therefore, that we are justified in going the full extent, even of the commentators upon Grotius, in contending, that the sovereign has no colour of right to alienate his sovereignty, neither of the whole nor of any portion of his subjects: men are not, in these times, to be transferred like beasts belonging to an estate; and if the governor thinks fit to renounce, and to absolve them from their allegiance, they have a right to consider whether it be or be not to their advantage to pass under the new dominion, or to adhere to that under which they were born, and to resist the transfer.

Lord Grenville went on further to enforce this point, and to reply to lord Harrowby's argument, that the war would have been interminable if this cession had not been made. He also drew an important distinction between the cession of a country already conquered and occupied by an enemy, and the grant of the territory of a free and uninfluenced population. He insisted that no man could approve the Partition Treaty of Spain, who was not prepared also to defend the Partition Treaty of Poland. It was true, as had been argued by the other side, that there were few cases of resistance to a treaty of cession; but the obvious reason was, because it rarely happened that the victims were capable of defence. He trusted devoutly, that this noble and generous struggle would be effectual: and that the Norwegians would defeat not only the efforts of Sweden, but of Great Britain. It was a gross misrepresentation to argue, that the cession of Norway was to be compared to the grant of a mere province or town; and since the noble earl (Harrowby) had admitted that the sovereign had no power, according to the law of nations, to cede the whole, he admitted enough to destroy his own argument; for the fact was, that Norway was the whole, and by ceding it, Frederic 6 had yielded no part of the kingdom of Denmark: he was king of Norway as a distinct and separate inheritance and title; and he had no more right to give up Norway for the benefit of Denmark than the king of England had to give up England for the benefit of Hanover. The object therefore of ministers was, to compel the king of Denmark to do an act which the law of nations forbade. His lordship then proceeded :—But it seems that the avowed object of this unauthorised proceeding is, to produce advantage to the natives of Norway; they were to be removed from the dominion of a despotic prince, to the enjoyment of the blessings of a generous prince and of a free constitution. As the first proof of these blessings, they were required to lay down their arms: they are to be disarmed, and then to be called a free nation, without the means of defence, and to have happiness forced upon them without the means of enjoying it. It is a specious pretence to entrap them into submission, and then to deprive them of the means of resistance. I would ask my noble friend (Harrowby), who has uniformly opposed every aggression of France upon the happiness of nations, what single people did she ever conquer, without first promising to them the benefits of a happier condition, and the enjoyment of a free constitution, which France was to confer? It is not therefore wonderful that this fresh example, coming from the same school, should have been framed on the same model; but it is to me surprising, that the British government should lend its aid in forcing upon the people of Norway the government of a people they detest, under the delusive protest and promise of giving them a free constitution which they do not want; for be it remembered, that it is not of their seeking. [Lord Harrowby said, "Yes, it is."] I say that it is not of their seeking: the noble earl says "Yes;" but every single fact contradicts him. I repeat, that it has been imposed upon them, it will be forced upon them by the arms of Sweden; or if she have not the power (I blush to name it), the glorious navy of Great Britain is to be employed to reduce a brave and noble people by the extremities of famine: Is this the navy that during the last 20 years has been engaged in supporting the rights and liberties of mankind? Is this the navy that has shed its blood to rescue the distressed from the cruel rod of tyranny? My lords, I have often looked back to the history of my country in remoter times, with delight, when I have seen her engaged in mighty works of national benevolence; but in reviewing the transactions of late years, my heart has swelled with conscious pride when I have beheld her armies almost uniformly enlisted on the side of justice and humanity; but what a contrast does the event now under review present to our minds, when we see England, with the same army and navy that once protected liberty, now enforcing slavery—while her ministers are contending, that to do injustice is to confer benefits, and that to destroy freedom is to promote happiness! His lordship then went on to object to the security offered to Norway, as well as to the pretended boon; and to express his abhorrence of the guarantee of what was called a free constitution by a foreign nation, thus imposing upon the people of Norway a double slavery; first from their own rulers, and next from those who pretended to secure their liberty: he termed this expedient hateful and degrading, and ridiculed the idea of conquering a nation for its own good: he compared this argument with that employed upon the question of the Slave Trade; where it was contended that the people of Africa, instead of complaining of their miseries, ought to be thankful to us for relieving them; and that to trepan the natives, to crowd them into slave-ships, and to chain them to their toil in the West Indies, was actually the promotion of their felicity. Such assertions, and the fallacy of them, shewed the folly of not allowing nations to be the best judges of what would contribute to their own happiness. He adverted to the cautious mode in which lord Harrowby had argued this subject; omitting all reply to the many important and pointed questions put by lord Grey; particularly to that, whether the Crown Prince had performed his part of the Treaty which had been concluded between this country and Sweden. The universal opinion of Europe was, that he had grossly failed in his duty, retiring from France with his troops after the battle of Leipsic, when his assistance in completing the destruction of the enemy would have been most valuable. The Treaty with Denmark had been framed for the express purpose of allowing the Swedish army to proceed to immediate action, and yet the effect had been directly the reverse of what had been intended. The paper published at Liege on the 19th April decided, that it was no question of military expediency that had detained the Crown Prince; and many circumstances concurred to prove that the observations respecting jealousies were pure invention. So much were ministers dissatisfied with the dilatoriness of the Swedes, that the troops in our own pay, that had been placed under the orders of Bernadotte, were withdrawn. The silence of the other side of the House upon this point was unaccountable, excepting in one way. He noticed a singular omission on the part of Earl Harrowby, of the important words contained in the Danish Treaty, which stipulated, "that recourse should not be had to force." The resistance of Norway, however, had never been contemplated, the opposition of Denmark being only in view at the time the document was framed. His lordship then proceeded in the following terms:—

The act of injustice of which we complain, is nothing less than, *de novo*, to place this kingdom in a state of war with Norway. You have signed a peace with Denmark; and you acknowledge by your minister, that that country has fulfilled all the conditions of the Treaty. The necessary consequence is, that one of three things must be admitted by the noble lords opposite; either, first, that Norway is a part of the kingdom of Denmark; or, secondly, that it is independent of the kingdom of Denmark; or that it is a dominion now *de jure*, under the crown of Sweden; and in either and all of these cases, ministers are about to commit, and have committed, the most flagrant act of cruelty and injustice. If Norway be a part of the kingdom of Denmark, you have made peace with her! If it be a separate and independent state, what has it done to be reduced by you to famine? If it be a dominion *de jure* under the crown of Sweden, what pretence have you for interfering and assisting that kingdom in the subduing of its rebellious subjects? I confess I should think that at any time, and under any circumstances, the considerations that have to-night been enforced, would be sufficient to induce the government of this country to take those measures which assuredly best become the rank it holds and the influence it possesses: I mean, that Great Britain should interpose her good offices to prevent, by mediation, the subjugation and sufferings of a brave and generous people from tyranny and famine. Such ought to be her conduct under any circumstances; but in the present state of Europe, let me ask, whether the strongest inducements are not held out, not only to withdraw ourselves from the iniquitous league in which we are now involved against a free and independent country, but to stand forward by every means in our power, short of the exertion of the full strength, to prevent the accomplishment of this most unjust and cruel purpose. Of policy I feel ashamed to speak, because this question ought to be decided upon the great and broad principles of right and wrong; but if I could for a moment exclude them from my view, and forget that there is such a thing as fundamental public law, I should say that policy, as well as the practice of this country for centuries, would shew that our interest required the maintenance of a balance in the North. In former times, how often our fleets were engaged in this design, and what we sacrificed to it, the noble earl will find by numerous volumes in his office; but now we come tardy, repentant, and declare that we have acted upon impolitic principles—that we ought not to look for a supply of naval stores from two, but from only one of the northern powers; and that power necessarily leagued with France, to defend herself from the overbearing weight of the Russian empire. On all these grounds, first of justice, right, and the law of nations, and lastly, even upon political considerations, I feel myself called upon to support any measure that, stopping for a short period the rapid tide of events, would afford a breathing time to enable ministers to reflect upon the consequences of the step they are now taking; and to pause before they employ the British flag to cover projects so disgraceful, which excite the disgust and abhorrence of ninety nine hundredths of the natives of the civilized world.

The Earl of *Liverpool* said, the question which they were discussing might be considered in two lights—the one, the way in which it had been argued by the noble earl and noble baron opposite. First, how far the cession of Norway by Denmark to Sweden, was agreeable to the law of nations; and next, how far we were justified by the Treaty which we had entered into with Sweden, in assisting that power to obtain possession of Norway. The other ground which he should occupy was more narrow, but in his opinion fully sufficient, even admitting the force of the general arguments employed by the noble lords, to bear him out in his opposition to the motion; namely, how the question stood on the special circumstances of the case. Even if all the general principles laid down by the noble lords were to be admitted as true, he would still contend, that there were special circumstances in this case to which these principles were not applicable. Before, however, he came to say any thing on the subject of the general principles on which the noble lords insisted, he would first explain the state of facts respecting the circumstances under which the cession of Norway was made. At an early part of the last campaign a great part of the Swedish and Russian troops were employed against the king of Denmark. Holstein was conquered by that army, Gluckstadt came into its possession, and Jutland lay entirely open to invasion. The king of Denmark, for the purpose of saving the remaining part of his dominions, and of recovering the possession of Holstein and Gluckstadt, thought proper to make a cession of Norway. What did Sweden do on this occasion? The good faith of that power was conspicuous—it gave up Gluckstadt and Holstein, and it made payment of a sum of money which it was bound by the Treaty to pay. He mentioned these facts to let them see how the case actually stood between Sweden and the allies, and Denmark. Sweden had already *de facto* made the sacrifice which she was called on to make to Denmark as the price of the cession. The principal foundation on which the doctrine maintained by the noble lords rested, was, that though a country might cede a part of its dominions to another power, it was optional with that part so ceded, whether or not it would receive its new master. On this subject he wished to call the attention of their lordships to what had been already stated by his noble friend, that not merely in one, but in every treaty of peace which had been concluded in Europe for a long time back, the principle was universally acted on, that a country had a right to cede a part of its dominions for the safety of the remainder, and that this cession was good and binding both on the party ceding, and the party ceded. He admitted that there were many cases where a country had a right not to receive its new master. No sovereign could cede to another rights which he did not possess himself. No sovereign had a right to cede a part of his dominions without an adequate necessity. And a cession might be made under circumstances which might justify resistance on the part of the ceded country. But with all these limitations he could not believe, that the principle which had been acted on in every treaty, could with any justice be called in question. It could not be said, that the king of Denmark in this case ceded any rights which he himself did not possess. The king of Denmark was perhaps the only absolute sovereign, by law, at present in Europe.

Any person who knew any thing of the transactions of 1660, when the whole power was ceded to the king of Denmark by the nation without controul, must allow, that, excepting perhaps the empire of Russia, Denmark was the only state of Europe in the government of which there was no principle of limitation. There could be no doubt then as to the power and the right to cede. And with respect to the necessity for the cession, there could also be no doubt that a larger and more valuable part of the state was preserved which had been conquered than the part ceded; for with the exception of the island of Zealand, the whole of the Danish dominions were either conquered by or lay open to the enemy. As far as respected revenue and resources of every description, the part which was in possession of the enemy was fully as valuable as the part which was ceded. In revenue it was certainly more valuable. It had been stated by his noble friend, that there never perhaps was a case of a cession in which the power to which the cession was made had offered so much. An offer had been made to the people of Norway to allow them either to be governed by the existing laws, or to be incorporated with the constitution of Sweden. If the principle of cession was applicable under any circumstances, it was in the present, and there never was a case which could be considered less in the light of a grievance than the particular one under consideration. But it was said, the people of Norway had not chosen to accept the offer of Sweden. They wished rather to be under their present despotic government, than live under the government which had made them so liberal an offer. Much had been said by the noble lords of the virtues of the people of Norway. He was perfectly willing to join in the praises which had been bestowed on the character of that nation. But when the noble lords spoke as they did of the people of Norway, it seemed as if they supposed that war was now made on Denmark for the first time, and that we had received no injury from that power. Norway, as a part of the dominions of Denmark, had been at war with us for a period of eight years. In that war, Norway had done us ten times more mischief than all the rest of the Danish dominions; not from any particular enmity on the part of the inhabitants of that country, but from the withholding naval supplies, and from the number of harbours which gave them a power of molesting our trade. After submitting to a certain dominion, and making common cause with that dominion during the whole of the war, had Norway a right now to erect itself into an independent kingdom, for the purpose of preventing the allies from receiving a compensation for the conquests made by them from the state to which it belonged? When the noble lords talked of the nation declaring itself independent, to the injury of the general arrangement, he wished to put them in mind, that such a declaration of independence ought to have been the free, clear, and spontaneous will of the nation itself, and not to have been encouraged and created by foreign influence and foreign intrigue. He denied, in the present case, that they had a right to make such an assumption, as that this declaration was the free act of the nation. Some time before the end of the war, the king of Denmark sent the presumptive heir of his throne, with full powers, into Norway, as regent of that country. After the cession of Norway every condition entered into by Sweden had been fulfilled.—Had Denmark done her part? Had the forces of Norway been put into the power of Sweden, in terms of the treaty?—No; Prince Christian, the presumptive heir of Denmark, immediately proclaimed Norway an independent country, calling himself still presumptive heir of Denmark, and Prince Regent of Norway. If the court of Copenhagen was privy to this, it was acting with the greatest duplicity and falsehood. If it was not privy, this was an act of usurpation on the part of Prince Christian. He had merely a delegated authority, and yet he ventured to resist every command of his sovereign. But this was not the act of one individual alone. There were a number of Danes at present in Norway: persons who had no property in that country, or business in it, except as agents to the king of Denmark, for the purpose of stimulating the Norwegians to this act. This person had no right to issue such a proclamation. Would it not have been in the power of the king to have called a diet, to see whether the inhabitants of the country were or were not willing to agree to the cession? But what was done in this case?—A proclamation was first issued, and then a diet was called to regulate the internal government. He knew, in point of fact, that every means had been resorted to for the purpose of deluding the Norwegians—that they had been kept in the dark—that the proclamation of the king of Sweden had been suppressed by the government—and that the inhabitants were led to believe that the people of England were favourable to them. Prince Christian declared to the diet, that he was sure of the assistance of the British government; with these facts—the employment of foreign agents, the suppression of facts, and the unfounded communications, would any person pretend to say that this could be compared to a general rising of a people? The noble lords had taken it for granted that the general sense of the people of Norway was averse to Sweden; but he could say, that there were parts of Norway of considerable extent perfectly willing to agree to the connection. The noble lord who spoke first in the debate compared this case to that of Spain and Portugal. But he contended there was no analogy between them. In the case of Spain, it was not a cession made to save any part of the dominions, or in a period of war, but in profound peace. In every part of the case it was different. Spain was not at war with France, but in a state of profound peace, and the vilest treachery was employed in the accomplishment of the measure. The cession was made by the king, not in his own country, but when he was a prisoner in a foreign country, and when he was subjected to threats and menaces. The king of Denmark was an absolute monarch, but the kingdom of Spain was not an absolute power; and upon a former well-known occasion, when a new dynasty was introduced, it was found necessary to call a meeting of the Cortes of the kingdom. With respect to the manner in which Sweden had executed her part of the Treaty with this country, he had only to say, that we had been most amply paid by the services received by the common cause from that power, for the money expended for the sake of these services. The noble lords seemed altogether to have forgotten the proclamation of the French ruler; they seemed to have forgotten the operations which preceded the battle of Leipsic; they seemed to have forgotten the part acted by the Swedish troops at the battle of Leipsic. But then, it was said, the Swedish troops were directed to Holstein, when they ought to have been marched into France. It might be a question how far it was advisable to send the Swedish troops to Holstein; but we had no right to complain now of that measure, because it was taken with the consent and good will of the Allies. The emperor of Russia put also under the Prince Royal of Sweden a considerable part of his forces upon this occasion. Why were Holstein and Gluckstadt not in possession of the Swedes at this moment? Because the Prince Royal gave them up, to be nearer the scene of action. The noble earl had alluded to a certain paragraph in a newspaper, which he stated to have been published under the influence of the Prince Royal. It would not be expected that on a subject like this he would venture to make any explanation on the present occasion. That there might not have been differences among the members of this confederacy, he was not prepared to assert. But he would be glad to know when there had ever been an extensive confederacy in which differences of opinion did not exist; but there never, perhaps, were so few as in the present. And why were there so few? Because there never was such a disposition to bear with little evils, differences, and inconveniencies, rather than lose the main object; and with this great view they resolved to sacrifice every thing subordinate. A good deal had been said of the impolicy of strengthening Sweden, a power which in the course of time would again be connected with France. But if the measure of the Swedish alliance was advisable in the circumstances under which it was entered into, he was certain that their lordships would not wish to abandon the alliance now, and to refuse to perform our part of the stipulations, even if it should no longer be advantageous for us. But the case of Sweden was now much altered from what it was formerly. Then Finland made a part of that country, which it did not now, and this made a great alteration in the policy of that country. On the whole, he would conclude with again observing, that Denmark had made peace by ceding one of her provinces—that that province had resisted the cession—and he wished their lordships, therefore, to arm the executive government with such power as would enable them, in fulfilment of the stipulations of the Treaty with Sweden, to bring this matter to an adjustment.

Lord *Holland* wished to call the attention of their lordships to the motion before them; which was, for an Address merely to suspend an act of the last extremity of war, while a negociation was pending. The defence of the noble earl amounted to this: we by our Treaty have put you into this dilemma, which will attach a stain on you in all time coming. You must either do this, or you must break your faith to the party with whom you entered into the Treaty. With respect to the expression in the Treaty, that recourse was not to be had to force, except Denmark refused to accede to the alliance—what was to be understood by it? Had Denmark refused to accede? No! Then we were not called upon to co-operate with Sweden against Denmark. The Treaty said, that recourse was not to be had to force if Denmark acceded to the alliance; but it did not say that if Denmark pleased to cede Norway, that then recourse was to be had to force. The noble lord had insinuated, that it was not Norway that was resisting the cession, but that every thing took place under the cover of Denmark. Then they ought to advise the Prince Regent to declare war against Denmark. This might be a reason for making war against Denmark, but was no reason for declaring war against Norway as an independent country, unless we had guaranteed to the Swedes the quiet possession of that country. The noble lord had proclaimed the numerous advantages which the common cause had derived from Sweden; but he had not said, that it performed the strict words of the Treaty. When Sweden called on us to fulfil our part of the Treaty, we ought in turn to answer—we will do you a great deal of good too, but not in the way of the Treaty—we will not assist in the subjugation of an independent people to your dominions.—If, continued his lordship, either the letter of the Treaty did not compel us to proceed in the most odious acts of hostility against Norway; or, secondly, if the principles of that Treaty had been proved, as he trusted this night they had, to be contrary to the public law of Europe; or, thirdly, if the conditions of the Treaty had not been fulfilled by Sweden; if any of these cases had been made out to the satisfaction of their lordships, he thought they must vote for the Resolution of his noble friend. Nothing but the absolute necessity of the case, or the strict letter of our engagements, could possibly induce us to fulfil such a Treaty as this, which, by the acknowledgment even of noble lords who defended it, was contrary to the common sense and feelings of mankind, and was, at the same time, in direct violation of the established principles and practice of all civilized nations. The noble lord, who spoke last, had stated only one thing which seemed to him to have a shadow of argument. It was, that Norway, who had made war against this country as a province and a dependency of Denmark, had no right to set herself up as an independent power to evade the conditions of the Treaty which had been concluded between the Allies. He would not enter into the grounds on which the war had been all along carried on between this country and Denmark, nor would he speak of the opinion which he himself had occasionally entertained of the justice of those grounds: but he supposed it would be argued (and it ought certainly to be so argued), that we had carried on a defensive war:—was it then right, was it our duty to ingraft on a defensive war, a war merely of offence, a war of the most wanton and unjustifiable interference, and accompanied with every extremity of suffering by which war could be aggravated? He wished to impress on the minds of those who heard him, that the motion of his noble friend went not to break the Treaty, but merely to suspend its execution while the negociations were still pending, or till some other amicable arrangement could be made, or till the real sentiments of the people of Norway could be fully ascertained. But the noble earl (Liverpool) resisted any such delay or inquiry; because, he says, the people of Norway are not actually averse to the change, except in consequence of the artifices which have been used, and the misrepresentations which have been made to them. Oh, but then the noble earl will state the grounds and justice of the case more clearly to them—he will make out a most clear and convincing case by invasion, by famine, by the infliction of all the miseries and horrors of war, and by the imposition of a hateful foreign yoke. Oh, no; we are again told it was no such thing; but they were to exchange their old despotic government for a free constitution. He conceived that nothing could be more correct than what had been stated by his noble friend to-night; that he could form no idea of a free constitution established at the point of the bayonet, by a foreign force, by menaces and terror. Ministers were indeed indignant at the parallel drawn between Spain and Norway. No doubt, there was a difference in many particular circumstances; but they agreed, and were strictly the same in that great leading point, of a foreign government imposed upon a whole people against its will, and in spite of the most determined resistance. 'Tis for free constitutions; the parallel held here too; for a free constitution was promised to Spain by the articles signed by Buonaparté at Bayonne. For his own part, he thought that all these civil ceremonious professions of kindness and good will were only adding hypocrisy and farce to insult and injury. He would rather that all such acts should be done at once by downright force, and without any plea or pretext of right. But it was insisted on, that one great motive for the transfer of Norway to Sweden was, to deliver her from a despotic government. That is to say, the Emperor of Russia and the Crown Prince of Sweden (of whom he always wished to speak respectfully as our Allies), had such a horror of despotic power, that they could not resist the humane inclination they felt to relieve the poor people of Norway from the political slavery under which they groaned. The same argument was resorted to in the case of Poland, and in the case of Spain. It reminded him of a story which he had heard of a great man at the head of what was called the Coalition Administration. This noble person had many applications made to him for different lucrative offices in his disposal: but the several candidates asked for them, some for one reason, some for another, but none of them for the sake of the salary. So none of those who invaded the independence of states, or did things the most shocking to the feelings of mankind, ever did them but for the good of those on whom they inflicted their noxious benefits. Norway, it seems, however, had been an enemy to this country, and had done us considerable injury. Be it so. But in the view of political expediency alone he would appeal to any individual in that House, whether it was not manifest and indisputable, that Sweden was and must always remain the natural ally of France, and whether it was prudent in us to throw this additional weight of maritime power into the scale against ourselves. But Finland, says the noble lord, is no longer a part of Sweden, and that makes an entire difference in the case. He (lord Holland) knew that Finland no longer made a part of the dominions of Sweden, and he would only suggest, that if a little conversation were to take place on the manner in which Finland had been ceded to Russia, it might afford a means of making some equitable compensations, and getting out of our present difficulties. He understood the noble earl (Harrowby) to say, that if he had no other alternative between the doctrines, either that the people had no right in any case to resist the transfer of their allegiance, or that the sovereign had no right to cede his dominions to a foreign power, he would prefer the former. This appeared to him an extraordinary proposition indeed; for it went to this, that the right of sovereignty was vested solely in the governors, and that the people had no right or interest whatever in the government to which they owed their allegiance. The noble lord concluded with ridiculing the distinction which had been set up between guaranteeing the possession of Norway to Sweden, and guaranteeing her free constitution; and with observing, that when high sentiments of humanity and justice were to be expressed, this was generally done by our Allies; but when the hangman's office, the devil's business, was to be undertaken, the odium unfortunately devolved upon us.

Lord *Boringdon* felt himself called upon to vote against the resolution; as it appeared to him, under existing circumstances, impossible to adopt any course but that which had been pursued by his Majesty's government. This he proceeded to shew from the words of the Treaty, the original copy of which he compared with the translation. The present, he contended, was no time for entering into the policy or impolicy of the Swedish Treaty. That had formerly been submitted to parliament, and received their sanction. The cession of Norway by Denmark was perfectly consistent with public law, as they found it laid down by Vattel. However he might adopt the feelings of the noble earl who had brought forward this motion, and concurring as he did with many of the principles which he had laid down, he could not, under all the circumstances, agree to vote for the Address.

Earl *Grey* expressed his astonishment at the arguments used by the noble lord who had just spoken, and who, having admitted that the act itself, abstractedly considered, was indefensible, contended, that it was justified by the circumstances of the case! Such a doctrine had never before been held in a British parliament. "Fiat justitia, ruat cœlum," was an old saying and quotation; but the noble lord reversed it, and his maxim was—"Consult your interest, *ruat justitiam.*" The noble earl opposite had intimated, that the conduct of Norway had been instigated by Denmark. From all he (lord Grey) had heard of the character of the existing king of Denmark, he did not believe this to be the case. The fact was, that Prince Christian Frederick, the heir apparent of the crowns of Denmark and Norway, had been sent to Norway to organize the government; and that on the abandonment of Norway by Denmark, he, in virtue of his right as heir apparent, had assumed the regal functions. Norway was a distinct kingdom, and could no more with justice be conveyed over, as it had recently been done, than could Ireland or Scotland, or Hungary or Bohemia. Suppose, in the course of the disastrous events which had occured in the late war, France had required that we should cede Ireland, would such a cession have been considered justifiable? On what ground could the interference of Great Britain in the present case be defended? Either the people of Norway were generally disposed to be annexed to Sweden, or they were not. If they were so generally disposed, surely the power of Sweden, aided by Russia, would be sufficient to give to that disposition the means of effectually manifesting itself, without our co-operation. If they were not so generally disposed, what could be more base or oppressive than the compulsion attempted? It was insinuated, that the knowledge of the "liberal constitution," as it was termed, had been cautiously prevented from publication among the Norwegians. If so, let the troops be withdrawn, the blockade raised, and a deputation sent to state the fact; and if the result should be a declaration on the part of the Norwegians of their disposition to unite with Sweden, he should be perfectly satisfied. He regretted that the noble earl had not stated whether Sweden had fulfilled all the provisions of her Treaty. It was indispensible to know this; because if she had not done so, neither were we bound to fulfil the obnoxious stipulations of our Treaty with her. For his part, it appeared to him very evident, that she had not performed her undertaking; and more particularly, that since the rupture of the armistice, Sweden had done nothing whatever in furtherance of the common object. He concluded by conjuring their lordships to rescue the country from the odium to which the conduct pursuing towards Norway was subjecting it.

The Earl of *Liverpool,* in explanation, declared, that in his estimation Sweden had fulfilled all the provisions of the Treaty which she had concluded with the allied powers; and denied that he had imputed bad faith to the king of Denmark. What he had said was, either that Denmark had interfered to induce Norway (notwithstanding the cession) to resist her annexation to Sweden; or, to which opinion he was much more strongly inclined, that the assumption of the government of Norway was an act of gross usurpation on the part of Prince Christian Frederic.

The House divided on the motion.

Contents 27, Proxies 7—34; Non-Contents 86, Proxies 29—115; Majority 81.

The following Protest was entered on the Journals:

"Dissentient,

"Because we consider the attempt to subjugate Norway to the crown of Sweden as a manifest violation of the sacred rights of national independence; and we cannot reconcile ourselves to combat in this case the same principles, in defence of which his Majesty and his allies have, in the case of the other nations of Europe, so gloriously and successfully contended. Because it was contended in debate, and to our apprehension not sufficiently answered, that even if such an engagement could be considered as lawful, the conditions of our Treaty with Sweden had no view to the resistance of the people of Norway to the proposed cession of their country by Denmark, and did not bind us by any obligation of good faith to assist in reducing by force that unoffending and independent people. Because we cannot see, without the deepest regret, the employment of the British flag to inflict upon a people, whose friendship it is the natural policy of this country to cherish and cultivate, the dreadful calamities of famine, for the purpose of enforcing so odious and unjustifiable a project.

Aug. Frederick.
Will. Frederick.
Grey.
Essex.
Grenville.
Rosslyn.
Clifton.
W. Fitzwilliam.
Stanhope.
Lauderdale.
Norfolk."

HOUSE OF COMMONS.

Tuesday, May 10.

Prince Regent's Message respecting the Duke of Wellington.] The

Chancellor of the Exchequer acquainted the House, that he had a Message from his royal highness the Prince Regent to this House, signed by his Royal Highness; and he presented the same to the House; and it was read by Mr. Speaker, as follows:

"GEORGE *P. R.*

"The Prince Regent, acting in the name and on the behalf of his Majesty, having taken into his consideration the many signal victories obtained by Field Marshal the Duke of Wellington, has been pleased to confer upon him the rank and title of a Duke and Marquis of the United Kingdom: his Royal Highness is desirous of further manifesting the sense he entertains of those great and extraordinary services which have exalted the renown of the British army, established the independence and safety of Portugal and Spain, and contributed largely to the present tranquillity of Europe.

"The Prince Regent, therefore, recommends to his Majesty's faithful Commons to enable his Royal Highness to grant such annuity to Field Marshal the Duke of Wellington, and the heirs of his body, who may succeed to the title of Duke of Wellington, as shall tend to support the high dignity of the title conferred, and be at the same time a lasting memorial of his Royal Highness's feelings, and of the gratitude and munificence of the nation."

Resolved, That this House will, to-morrow, resolve itself into a committee of the whole House, to take his Royal Highness's said most gracious Message into consideration.

PRINCE REGENT'S MESSAGES RESPECTING LORDS LYNEDOCK, HILL, AND BERESFORD.] The *Chancellor of the Exchequer* then acquainted the House, that he had another Message from his royal highness the Prince Regent to this House, signed by his Royal Highness; and he presented the same to the House; and it was read by Mr. Speaker, as follows:

"GEORGE *P. R.*

"The Prince Regent, acting in the name and on the behalf of his Majesty, taking into his consideration the distinguished services performed by Thomas Lord Lynedock, a lieutenant general in his Majesty's army, in the course of the war in Portugal and Spain, and being desirous to confer some signal mark of his favour upon the said Thomas Lord Lynedock and the two next surviving heirs male of the body of the said Thomas Lord Lynedock, recommends to his Majesty's faithful Commons the adoption of such measures as may be necessary for the accomplishment of this important purpose."

Similar Messages were presented respecting Lords Hill and Beresford.

WEIGHTS AND MEASURES.] Sir *George Clerke* said, that from the inconvenience that was felt in the northern parts of the island, from the difference of weights and measures, they wished for a more uniform system. By the 17th Article of the Union, it was agreed, that the weights and measures should be the same in England and Scotland; but the uncertainty of the standard in England rendered it impossible to carry that article into effect. He would therefore move, "That a committee be appointed to enquire into the original standards of Weights and Measures in this kingdom, and to consider the laws relating thereto; and to report their observations thereupon, together with their opinion of the most effectual means for ascertaining and enforcing uniform and certain standards of Weights and Measures to be used for the future."

Mr. *Whitbread* highly approved of the hon. baronet's object; and hoped he would be more successful in the attainment of it than his predecessors in the same effort. The regulations at present existing were extremely inadequate, even as they related to fraudulent weights and measures; the magistrates being merely empowered to seize them; and in the very act of doing so, they not unfrequently rendered themselves liable to the operation of other laws.

Mr. *D. Giddy* warmly supported the motion; contending that nothing could be productive of more general benefit than the establishment of the regulations wished for by the hon. baronet.

The motion was then agreed to, and a committee appointed.

COPY RIGHTS.] Mr. *D. Giddy* said, that the subject of copy-rights had been considered in a committee, both as it respected the claims of universities and the rights of authors. Universities had long claimed and exercised a right of receiving copies of all works. With respect to authors, it was for a long time thought that, unless the work was entered at Stationers'-hall, they could not claim their right. The contrary, however, was decided at common law; the consequence of which was, that the proprietors of works suffered much hardship by being obliged to deliver to the Universities a certain number of copies, which were often very expensive, and the sale of which was very limited. With respect to the copy-right of authors, different views were taken of the subject. Some thought that they had a right in perpetuity, while others were of opinion that it would be sufficient to a certain extent. The law now was, that the author's right existed for 14 years only. The class of books which the Universities were desirous to get, were such as were least profitable to booksellers, and it was a hardship on them; but there were other books, such as novels, which could be of no use to the Universities. The object of his Bill would be, to enable the librarians to call at Stationers'-hall for such books as they may desire to have. He would, therefore, move, "That leave be given to bring in a Bill to amend the several Acts for the encouragement of learning, by securing the copies and copy-right of printed books to the authors of such books, or their assigns."

Sir *F. Flood* wished to know if the Bill was to extend to Ireland. He hoped the same number of books would be continued to the Universities in that country as heretofore.

Mr. *D. Giddy* said, at present there were only two copies allowed to Ireland; and he was not aware that the number would be abridged.—Leave given.

HOLBORN AND FINSBURY SEWERS AMENDMENT BILL.] Mr. *Whitbread* having presented a Petition from the inhabitants of St. James, Clerkenwell, contributing to the sewers rates, in favour of the Bill, which was ordered to lie on the table, moved the second reading, which was opposed by Mr. Mellish.

Mr. *Byng* spoke against the Bill. He admitted that great abuses had prevailed, and that the commissioners had improperly appointed Mr. Henley to be clerk and treasurer; but he contended, that the commissioners were competent to correct these abuses.

Mr. *Whitbread*, in reply, stated, that the Bill was a child of the member for Middlesex, but that he had deserted his offspring. He (Mr. Whitbread) had taken up the Bill as an inhabitant of St. Luke, who was much aggrieved by the rates; and, as one of the constituents of the hon. member opposite (Mr. Mellish), he called upon him for redress. He trusted, from what the hon. members had said, that the House would support the Bill; as his hon. friend, and the other member for Middlesex, had both admitted that great abuses had existed under the preceding commission; that the same person had held the office of clerk and treasurer, and had thus done away a useful check; that although higher and more frequent rates than had ever been known before had been levied, a debt of 22,000*l.* had been incurred; and that contributors to the rates had been denied access to their accounts. The hon. members opposed the Bill on the ground that these abuses had existed under the former commission. He (Mr. Whitbread) had no doubt that the present commissioners were all honourable men; and that, although most of them had been on the former commission, they had set about rectifying some of the abuses, especially after the aggrieved inhabitants had determined to apply to the legislature. He had heard that accounts had been made out; but, he must complain, in an unsatisfactory manner; as explanation respecting the 22,000*l.* had been refused, on the ground that the present commissioners were not answerable for the acts of their predecessors. He (Mr. Whitbread) did not call upon the House to retrieve the past, but to prevent future abuses. Under the law, as it now stood, preceding commissioners had committed abuses, and future commissioners would have the same power. For several years past, a rate of one shilling in the pound had been levied; which, on a rental of upwards of one million, had raised fifty thousand pounds; a sum equivalent to what had formerly been sufficient for the rate of several years. Less work had been done, and more money expended. I had been said, that all amendments should apply to the sewers laws in general. It might be better if those laws were to undergo a revision; but if, in 1788, it had been found proper to pass an Act for the Holborn and Finsbury district, there could be no objection to amend that Act in the present year. He had heard that 500*l.* had been expended in tavern dinners. It was not fit that a public body should incur such expences as they would not have done in their individual capacity.

The House then divided; when there were 49 for the Bill, and 18 against it. Majority for the second reading, 31.

HOUSE OF LORDS.

Wednesday, May 11.

DUKE OF WELLINGTON.] The Earl of *Liverpool* said, in rising to propose an Address to the Prince Regent, in answer to the Message sent to their lordships' House, on the subject of a national grant for the support of the dignity and honours of the dukedom of Wellington, so little did he expect any opposition, that he might, in that view of the question, content himself with a bare statement of the nature of the grant which it was intended to submit to their lordships consideration at the proper period. But though he did not think it necessary to dwell at any great length on this topic, he could not, in justice to his own feelings, pass it over without a few observations.

Their lordships must be well convinced, that the present times must form a grand epoch in the history of this country. If they now looked back upon the times when the reputation of the armies of this country was at the highest, with just exultation,—if they regarded those periods as the great epochs of the history of this country,—they would naturally reflect that the present times would be regarded with similar feelings by their latest posterity.

It would be in the recollection of their lordships, that no very long space of time had elapsed since it had been supposed by some, and had been industriously held out by the enemy, that the warlike character of this country was confined to one element. It had been tauntingly said, that they did not dare to leave their ships and meet the enemy on land on equal terms. It had been thought that our military rank had decreased in proportion to the increase of our commerce; and that, though our naval strength had, on account of its connection with our commerce, reached a height which it had never before attained, our military prowess on land had from the same causes visibly declined. How erroneously they had judged who had entertained this notion, was now abundantly manifested. They had seen, that by the unshaken perseverance of this country; by the splendid talents of the illustrious person who had commanded our armies; by the admirable skill with which he had employed the means placed in his hands; by the good conduct, valour, perseverance, and abilities of those who had been engaged with him in this great work;—they had seen, that, by all these qualities and circumstances combined, the military character of the British nation, by land as well as by sea, had been raised to a pitch of renown equal or superior to that which it had ever before at any period attained, not inferior to that which had been gained by any nation of the world.

In considering this subject, they were naturally led to look back to the period of the Succession War. No man who considered the dangers which had been averted by the duke of Marlborough, and the genius with which he had adapted the means placed in his power to the object for which he contended, could help paying the highest tribute of applause to the memory of that eminent commander. But, whether they considered the dangers which had now been averted, the talents displayed, or the renown which had been gained, they must be convinced that the glories even of that brilliant period of British history had not only now been equalled, but even surpassed. He was far from undervaluing the service which had been rendered to the country in checking the ambitious projects of Louis 14; but when he considered the events of the times in which we lived; when he had seen the whole of Europe nearly subverted; when he saw Spain and Portugal, the last spoils of the invader, nearly overrun; when he looked over the whole face of the European continent, and hardly saw any thing but France; when he reflected that the salvation of the civilized world was to be contended for in two corners of the peninsula, within the lines of Torres Vedras and the limits of Cadiz—he was compelled to state his deliberate conviction, that a greater service had been done to this country, and to Europe, than ever had been rendered by any of our commanders during the most admired periods of our former history. There was no comparison, as to the dangers averted, between our own times and those of the duke of Marlborough. Their lordships would then advert to the renown which had been acquired. He had already stated, that no one could rate higher than he did the ability and services of the duke of Marlborough. The manner in which he commanded in the field, the skill and talent which he displayed in keeping the confederates together, and in turning their exertions to the best account, justly entitled him to rank among the greatest captains of any age or nation. He (lord Liverpool) knew how few had commanded with so much success,—that he never fought a battle which he did not gain—never laid siege to a town which he did not take. He knew the magnanimity which he had evinced, the difficulties which he had to encounter, and the harmony and concert which his talents had maintained. But Marlborough had been opposed to Louis 14 in the decline of his power, when his most eminent officers were dead or unemployed, and when marshal Villars was perhaps the only very great general with whom he had to contend. Let their lordships then look at the duke of Wellington, opposed to Buonaparté in the plenitude of his power, with not only France, but Italy, and the greater part of the peninsula, at his command. Their lordships might remember what was the state of Europe four years ago, when Russia, Sweden, Denmark, Germany, nay the whole continent almost, was on the side of France, when nothing remained of Europe, except Great Britain and the space within the lines of Torres Vedras and the limits of Cadiz. Let them consider the situation of the civilized world at that period, and then look at the advance of the duke of Wellington from Torres Vedras in 1810; let them follow his steps to Ciudad Rodrigo, and Badajoz, and the brilliant exploits there performed; let them then follow his course in those operations which closed with the battle of Salamanca; let them next trace his steps to Vittoria; see him deliver Spain and Portugal from the oppressor, carry the war into the invader's own territory, and at last plant the British standard in Bourdeaux. Let them look at all this, and say whether the renown which was gained had ever been exceeded or equalled at any former period of our history. Let them, in addition to all this, consider the glorious example thus given to other nations; that example which had been followed with so much success, and had led to the deliverance of the whole of Europe.

If ever there was an occasion which called for some distinguished exertion of national munificence, some mark not only of the approbation of the sovereign, but of the applause and gratitude of parliament and the country, it was this. He was aware that he had done but little justice to this glorious subject—but little justice to his own feelings: but in speaking on such a subject at all, he could not do otherwise than say so much, though aware that he should have no opposition to encounter. He should now proceed to state to their lordships the particular nature of the grant which was proposed to be made. It was to be brought forward in the shape of a Bill, and, as their lordships knew, must originate in another place. It was intended, then, in addition to the parliamentary grants already bestowed on the duke of Wellington, to make a further grant of 10,000*l.* a year, secured upon the Consolidated Fund. This annuity would be attached to the dukedom; but, as it might be desirable that it should be laid out in the purchase of some considerable landed property, a provision would be introduced, giving an authority to the lords commissioners of his Majesty's Treasury to advance a sum, not exceeding 300,000*l.* to the duke of Wellington, for the purchase of any estate he might think proper. In proportion as these 300,000*l.* were advanced, or any portion of that sum, an equal portion of the annuity would be subtracted; so that if the whole amount were paid by the lords commissioners, the pension would be then cancelled. It was thought better to entrust this to the lords commissioners of the Treasury, than to any commissioners appointed by act of parliament; as little advantage had been found to result from the appointment of commissioners both in the case of lord Nelson, and the former grant of 100,000*l.* to the duke of Wellington. This 10,000*l.* a year, in addition to the 4,000*l.* a year already granted by parliament upon the Consolidated Fund, and the 100,000*l.* would make the whole amount of parliamentary allowances bestowed upon the duke of Wellington about 17,000*l.* per annum. His lordship then concluded with moving an Address to his Royal Highness, on the occasion of his most gracious Message; assuring him that their lordships would cheerfully concur in measures to enable his Royal Highness to make the provision therein required.

The Address being read;

The Earl of *Darnley* observed, that by the few words he should say he meant not to interrupt the unanimous vote to which the House was about to proceed. Without wishing to enter into any comparative view of the merits of the great duke of Marlborough, whom he regarded as one of the greatest military and political characters that ever existed, he would express his approbation of the proposed arrangement, as one likely to meet the wishes of the country, and to be satisfactory to the illustrious object of it. Still he would recommend some more substantial and lasting monument of the public gratitude, and one calculated to illustrate the memory of those who so gloriously fell in the battles of their country; and the noble lord seemed to think, that grants so conferred should not be calculated so much for the gratification or advantage of the individual, as for a manifestation of public gratitude.

Earl *Stanhope* considered the statement of the noble earl who moved the Address, relative to the recent danger of Europe, as very correct; and it was matter of exultation, that they had not only annihilated the conquests, but had destroyed the power, of one of the vilest tyrants that ever existed, who made war merely for the pleasure of carrying it on, and for the purpose of making military establishments to injure mankind. He approved of the intended grant to the duke of Wellington, which he thought he richly deserved. But the best monument of national gratitude, he thought, would consist in neither lands nor houses. They should recollect that lord Wellington had under his command soldiers—English, Scots, and Irish; and they were the men, in conjunction with his superior talents, who gained all his victories. Their future situation and comforts should be attended to. Among these soldiers, too, were many Catholics, who, now that the danger was over, should not be suffered to continue the objects of exclusion or oppression. Their lordships ought now to proceed to do justice to the Catholics, not in the spirit of prejudice, but with a prepossession in their favour. Great numbers would now be paid off; and it was the duty of their lordships to protect the soldiers and sailors who had fought their battles from those worst of human beings, pettifogging attornies, which their lordships would have an opportunity of doing by supporting his Bills.

The Earl of *Lauderdale* expressed an opinion, that it would be far preferable to have the sum of 300,000*l.* as proposed for the purchase of lands, taken from the Sinking rather than the Consolidated Fund; and this he thought would be a more marked compliment to the illustrious object of the grant, as it would form the only instance of an issue of the kind from the former.

The Duke of *Norfolk* concurred in the eulogies upon the merits of the illustrious duke; and adverted to the situation of the numerous sailors and soldiers who would thereby be thrown out of employment, whose cases ought, as far as it was practicable, to be considered. Though he greatly wished that meritorious and gallant officers should meet with due honorary rewards, and he particularly estimated the professional characters of those on whom the honours of the peerage were recently conferred, yet he deprecated too extensive or frequent an addition to the members of that House, as militating against the principles of the constitution. He adverted to the long interval since the highest rank of the peerage was conferred; but expressed his satisfaction at the Prince Regent's having selected one so highly worthy of the honour as the duke of Wellington, as the first instance during so long a time. He highly approved of the proposed grant, and were the amount larger he should not object to it; but he thought the property so given should be secured, for the support of the high dignity conferred; and therefore was of opinion, that the estates should be entailed, with a reversion to the crown on failure of issue; and he hoped that when the Bill was in its progress, some provision or bar to that effect would be introduced.

The Address was then voted by the House, *nem. dis.*

Lord Lynedock.] The Earl of Liverpool moved the order of the day, for taking into consideration the Message of the Prince Regent relative to lord Lynedock. The Message being read by the clerk,

The Earl of *Liverpool* would trouble the House with a very few words: it was perfectly in their lordships' recollection, that sir Thomas Graham had been, during a considerable period, the second in command in Spain and Portugal; and he continued in this station till the moment when he was the first to plant the British standard on the territory of France. The state of his health then compelled him to tender his resignation; but the distinguished part which he had performed in the campaigns of the peninsula was a sufficient reason for recommending him to the attention of parliament on the present occasion. When the counter-revolution broke out in Holland, it was thought necessary to send a person there, in whose judgment and abilities the government could confide; and though his health was far from re-established in the way that his friends and the country might wish, he immediately accepted the command, under personal circumstances peculiarly inconvenient to him. His achievements there had not, indeed, been so brilliant as elsewhere: but no blame was attributable to him; he stood in a situation of great delicacy, and it was not possible for any one to act with more ability, judgment, temper, and moderation. The noble lord then concluded with moving the Address, which was also carried, *nem. dis.*

Lord Hill.] The Earl of Liverpool next moved the order of the day, for the consideration of the Prince Regent's Message relative to lord Hill.

The Message having been read,

The Earl of *Liverpool* observed shortly, that sir Rowland, now lord Hill, had borne a distinguished command under the duke of Wellington during the whole of the operations in the peninsula. His conduct had invariably received the high approbation of that illustrious commander, and had equally ensured him the love and respect of the whole army. To him, in case any separate operation was to be carried on, lord Wellington was in the constant habit of entrusting the command, as an officer in whom he placed the most entire confidence. His lordship concluded by moving an Address to the Prince Regent, concurring in the object of the Message, for making a provision for lord Hill; which was agreed to, *nem. dis.*

Lord Beresford.] The Earl of Liverpool then moved the order of the day, for the consideration of the Prince Regent's Message relative to lord Beresford.

The Message having been read,

The Earl of *Liverpool* observed, that the services of sir William Carr, now lord Beresford, were well known to all their lordships. He had, however, the peculiar merit of having trained and rendered efficient the Portuguese army; the soldiers of which, under his judicious management, had fought in line with the British troops, and had justly earned that meed of approbation which had been awarded them; they having been scarcely to be distinguished in their conduct from the soldiers of the British army. His lordship took this opportunity of stating, that with respect to the two other distinguished officers serving under the duke of Wellington, who had been so justly honoured by the Prince Regent in being raised to the peerage, they were in circumstances to decline any provision being made for them by parliament. He had, therefore, with respect to them, only to hope that they might long enjoy the honours which had been so deservedly conferred upon them. His lordship concluded by moving an Address to the Prince Regent, concurring in the object of his Royal Highness's Message, for making a provision for lord Beresford.

Viscount *Mountjoy*, in a few words, bore testimony to the merits of lord Beresford.

The Address was agreed to, *nem. dis.*

All the Addresses were ordered to be presented to his royal highness the Prince Regent by the lords with white staves.

Half-Pay Officers.] The Duke of *Norfolk* said a few words relative to the situation of officers in the army and navy who had served their country with zeal and fidelity, and whose merits ought not now to be disregarded.

The Earl of *Liverpool* said, that the subject of half-pay was now under the consideration of government; and he had no doubt that some measure would be adopted, with a view to the comfort of the meritorious individuals to whom the noble duke had alluded.

HOUSE OF COMMONS.

Thursday, May 12.

Orders of the House of Commons.] Sir *J. Newport*, seeing a right hon. gentleman connected with the home department in his place, wished to ask from him some explanation with respect to the non-execution of an Order made by the House of Commons, above six weeks ago, for certain accounts from the various courts of justice. He understood that the messenger of the House had been referred to the clerk of the crown in the court of King's-bench. He wished to know if that was the fact?

Mr. *H. Addington* replied, that having heard of the circumstance only that morning, he was not prepared fully to satisfy the hon. baronet. He did understand, however, on the best authority, that it did not properly belong to the office of the

Secretary of State for the home department, to execute the description of order to which the hon. baronet alluded. It was only in the case of an address to the crown, that that office was bound to execute such an Order of the House. He had sent to ascertain the actual circumstances of the case, but had not yet received any precise information.

Sir *J. Newport* expressed his surprise at what had fallen from the right hon. gentleman; having distinctly understood, from two hon. friends of his who had formerly been in the office of the home department, that although the Orders of the House (not founded on an address) were not enforced by that department, they were transmitted through it. Although, therefore, the home department was not answerable for the execution of the Order in question, it was in that case answerable for its transmission. As to what the right hon. gentleman had said of addresses, every one must feel the delay and inconvenience that would result from proceeding by way of address in all cases in which information was required by the House, such as that for which he had had the honour to move six weeks ago. As, however, a doubt had been started upon the subject, it appeared to him to be indispensable that the pleasure of the House should be known as to the mode in which their Orders should be executed.

Mr. *Wynn* said, that during the short time that he had had the honour to hold a situation in the office of the home department, that office was the regular channel for the transmission of all Orders of the House of Commons relative to the internal administration of the country. He also recollected a particular instance that had subsequently occurred, in which the home department had circulated an Order of the House not founded on an address. He had simply moved for a return to be made by the clerks of the peace of the different counties of England, of the number of pauper and criminal lunatics in the jails of their respective counties. This Order was served at the home secretary's office—from that office it was transmitted to the clerks of the peace—the returns were made to the office—and by the office sent to the House of Commons. This was really not a light matter. It involved in its decision the due discharge of all the functions of that House.

The *Speaker* observed, that he had thought it his duty to enquire, as well as the short compass of time would allow him, into the course of the execution of the Orders of the House. The subject was of great importance, and certainly of some difficulty. It had been the uniform practice, for Orders of the House which related to finance to be carried by the serjeant at arms to the Treasury; and the Treasury, in aid and assistance of those Orders, had undertaken to circulate them, and to transmit them to the different offices, to the particular departments of which they referred. It was supposed, therefore, that other Orders relating to civil, although not to financial matters, if carried to the office of the Secretary of State for the home department, would be circulated and distributed in a similar way. In that persuasion, the messenger of the House had six weeks ago carried to the office of the home department, the Order of the House obtained by the hon. baronet; and as it now turned out (for he, the Speaker, had but recently been acquainted with the fact), that messenger had been told by a clerk of the office to carry the Order to the clerk of the crown in the court of King's-bench. He (the Speaker) confessed that this appeared to him very astonishing; but he supposed that the clerk in the office of the home department did unadvisedly think that an Order to all the courts of justice in the United Kingdom was properly served, if served on the clerk of the crown in the court of King's-bench! When the hon. baronet renewed his motion, the order was carried to the same office, and the same directions were again given. At last, the clerk of the crown, probably alarmed at the circumstance, began to enquire how he was to circulate this Order. Such were the plain facts of the case. It was, unquestionably, of the greatest importance to put the execution of the Orders of the House of Commons on a good footing. He had before observed, that it was the uniform practice of the Treasury, in all Orders of the House relative to finance, materially to aid and facilitate their execution. If the same aid and facility were afforded by the office of the Secretary of State for the home department, it would be highly advantageous to the public service. The House were well aware, that their authority did not in the slightest degree rest on such aids and facilities. The Orders which they made, they could, if they thought fit, execute by their own servants. But then came this practical question—should the House provide a sufficient number of messengers to carry their Orders all over the kingdom, or would the office of the Secretary of State for the home department, and the other offices, by affording the aids and facilities afforded by the Treasury in financial orders, abridge the difficulties, shorten the time, and lessen the expence, of the execution? It was material that the question should not remain undecided. With a view, however, to ascertain whether some mode could not be devised of obviating the existing inconvenience, it might not be inexpedient to delay for a few days any further proceeding on the subject, leaving at the same time untouched the final authority of the House to enforce their own Orders.

The *Attorney General* had the satisfaction to inform the hon. baronet, that whatever mistake might have taken place on the subject, no practical inconvenience was likely to result, as the Order was in the course of execution in the various courts.

Mr. *H. Addington* repeated what he had said, of the sole duty of the home department being to execute those Orders of the House which were founded on address, and expressed his suspicion that the Order adverted to by an hon. gentleman (Mr. Wynn) was of that description.

Mr. *Ponsonby* said, that the authority of the House to enforce a return to its Orders was not liable to contradiction or doubt; and, presuming that the present difficulty arose out of misconception, he thought it would be better to defer any further agitation of the subject for two or three days; persuaded as he was that the executive government would feel that it was incumbent on them to aid, by all the means in their power, the execution of the Orders of parliament. The only effect of their not doing so, would be to increase the expence to the public; for as the Orders must ultimately be executed, the House would have to take the execution into their own hands, and to employ for that purpose an additional number of servants.

Mr. *Bathurst* observed, that the Order was a general one; and it did not follow, therefore, that it should be directed to one office more than to another. If the proceeding had been by an address to the crown, there would have been no difficulty.

Sir *J. Newport* repeated, that always to proceed by address would be so to multiply the business of the House, that it could never be gone through with. And even if there had been an address, what would have been the mode of communication? With the Secretary of State for the home department. Did not that distinctly mark out the proper channel in all cases? He was not unwilling to consent to the delay of a day or two; hoping, that in that time some arrangement might be made conducive in all respects to the public interest.

Mr. *Goulburn* observed, that the hon. baronet should be aware, that the Secretary of State could act only by his Majesty's command. The papers procured by that office were procured in consequence of the royal pleasure; and, however anxious that department, no doubt, was to facilitate the public service, he questioned whether it could, with propriety, proceed to the execution of an Order of the House of Commons.

The *Speaker* remarked, that there was no doubt that papers in the actual custody of the Secretary of State for the home department could be obtained only by address. Perhaps, after what had passed, the best way would be to let the matter rest.

Mr. *Wynn*, to prove that the Order to which he had adverted in the course of his former observation, was not founded on an address (as intimated by Mr. H. Addington), requested the Clerk to read the entry in the Journals; which the Clerk accordingly did; when it appeared to be a simple motion.

After a few words from Mr. H. Addington, sir A. Pigot, and the Speaker, the conversation was dropped.

Danish Treaty.] Mr. *Whitbread* wished to ask the right hon. gentleman opposite, whether a paragraph which had appeared in some of the public prints, respecting the ratification and exchange, about the 19th of April, of the Treaty with the Danish government, was authentic?

The *Chancellor of the Exchequer* replied; but so inaudibly, that

Mr. *Whitbread* proceeded to follow his first question by another. Had there been any demur in the ratification?

The *Chancellor of the Exchequer* said, that he had already stated, that the Treaty had been ratified.

Mr. *Whitbread* apologized; observing, that he had not understood the right hon. gentleman.

Mr. *Wynn* desired to know, whether there had been any alteration in the Treaty previous to its ratification?

The *Chancellor of the Exchequer* replied, that there had been no alteration in any of the articles on which the expected debate of that evening was likely to turn. The only alteration respected the retrocession of the Danish colonies.

Mr. *Wynn* expressed his disappointment that the papers which related to the order for the blockade of the coast of Norway had not been laid on the table of the House.

Mr. *Goulburn* apologised for the circumstance, which he stated had arisen out of a mistake.

Mr. *Wynn* had no doubt that the delay was accidental. It was certainly not regular to go to a debate on a subject, the documents respecting which were not actually before the House; nevertheless, as their nature was well known, it might be more for the convenience of the House were he to proceed with his promised motion. He had, however, no objection to postpone it until the papers should be presented and printed, if such was the wish of the House.

The *Chancellor of the Exchequer* was of opinion, that the hon. member had better proceed with his motion that evening. He would, however, have no objection, perhaps, to allow precedence to the consideration of the Prince Regent's Messages, respecting the duke of Wellington and lords Lynedock, Hill, and Beresford.

Mr. *Wynn* said, that it would be impossible for a moment to think of interposing any subject before that alluded to by the right hon. gentleman.

DUKE OF WELLINGTON.] The *Chancellor of the Exchequer* moved, that the House should form itself into a committee, for the purpose of taking into consideration the Message of his royal highness the Prince Regent, relative to the grant to the duke of Wellington.

The House having accordingly formed itself into a committee, and the Message of the Prince Regent having been read,

The *Chancellor of the Exchequer* said, in rising to call the attention of the House to the distinguished services of the duke of Wellington, which had been attended with such glorious and beneficial results to this country and Europe at large, it would be unnecessary for him to enter into any detail of what was already so well known to every member of the House. That illustrious general had gained immortal honour to himself by his splendid achievements, and raised the military renown of this country. It ill became him to read a military lecture on the different campaigns in which that great general had been engaged. By a succession of achievements, on the consideration of which the mind was lost in admiration, he had rescued a great empire from a powerful usurper, and finally restored it to its legitimate sovereign; and the praise which his own countrymen so zealously bestowed on him, was hailed by the acclamation of all Europe. He trusted, therefore, that the House would warmly second the wishes of his Royal Highness, and enable that illustrious general to retire, whenever he chose, from the public service, and to enjoy the comforts of life in a peaceful old age, amidst the blessings of his countrymen. It was now more than a century since another British general had performed services of so distinguished a nature as to bear to come into comparison with those of the duke of Wellington. It was far, however, from his intention to institute a comparison between the merits of these two great men, as such comparisons were seldom accurate; for the different situations in which generals happened to be placed, were not often of a nature to afford any thing like grounds of accurate comparison. In several respects, however, the situations of the duke of Marlborough and the duke of Wellington would be found to coincide. Both were leaders of combined armies; and both, from their distinguished talents, possessed that ascendancy over the minds of all those entrusted to their command, which led in so eminent a degree to their success. But it must be owned, that the task of the duke of Wellington was much more difficult than that of the duke of Marlborough; inasmuch as the people who were assembled together under the duke of Wellington were much more dissimilar in their manners, their habits, and their religions, than were the German, Dutch, and English troops under the command of the duke of Marlborough. It was to the honour of the duke of Wellington, that he had always stood superior to every thing like pecuniary considerations, and that the most distant suspicion in this respect had never attached to his name. He was sure the House would feel, that the high station to which he had been raised should not be rendered displeasing to him from any circumstances in his situation. He was, indeed, confident that it was the wish of the House to add every convenience to that rank which it might be thought to require. He should therefore propose to the committee, that an annuity of 10,000*l.* a year, in addition to the grants already bestowed on him, be secured to him on the Consolidated Fund. As it would be advisable that the grant should be settled on a territorial basis, provision should be made that this annuity might be redeemed at 30 years purchase—that is, for the sum of 300,000*l.* It was hoped, that by leaving the investment of the grant to the discretion of the duke of Wellington, he would speedily be able to carry into effect the purchase of a suitable estate, which the commissioners, in the case of a former grant (earl Nelson's), had not yet been able to accomplish. With respect to a public monument, which he had heard suggested, he was not prepared at present to give his opinion. In a purchase of an estate of the value of 3 or 400,000*l.*, it was by no means improbable that a very sumptuous mansion might be got along with the estate; and 50 or 60,000*l.* might be taken out of the grant in making any necessary repairs and additions. If an estate should be purchased, in all other respects satisfactory, but not provided with a suitable mansion, it would be for the liberality of parliament to supply this deficiency at some future period.

He should wish to bring before the committee at present, though the subject was not strictly before them, what little he had to say of the other noble persons, the subjects of the remaining Messages from the Prince Regent, who enjoyed the merit and the distinction of being his companions in arms. He wished to present him to the House as he appeared in the field of battle, surrounded by those his gallant companions.—The first whom he should name was lord Lynedock, a singular instance of great proficiency attained in a profession not embraced in early life. He first distinguished himself at the siege of Toulon. He afterwards joined the Austrian army in Italy, and shared in all the dangers of that army. He threw himself into a blockaded fort in Mantua, upon which occasion he distinguished himself in a very eminent degree. He was afterwards engaged in the long blockade of Oporto, and he accompanied sir John Moore in Spain. The battle of Barrosa, fought by him during the blockade of Cadiz, and his conduct at Ciudad Rodrigo and San Sebastian, was fresh in the recollection of every one. The want of health compelled him, as soon as he could do so without injury to the public service, to return to this country; but the want of health could not prevent him from again taking the command in Holland, when his country called for his exertions. He wished to call the attention of the House in a particular manner to a measure which had not, it is true, been attended with the favourable result which it merited; he meant the siege of Bergen-op-Zoom. One of the greatest judges of military merit, however, Buonaparté, was reported to have spoken of it as one of the best combined and best judged military enterprizes that had ever been formed. This place held out long against Louis 14th, at the head of 100,000 men; and it was therefore highly honourable to the military skill of lord Lynedock, that he should obtain possession of it in the manner he did; though, from circumstances which it was impossible to guard against, the design was ultimately rendered abortive. He should next call their attention to a no less distinguished individual, lord Hill, who at the battle of Vittoria, and on many other occasions, had performed the most eminent services; and who on the 13th of December last defeated the largest portion of the army of Soult before Bayonne. He came lastly to speak of lord Beresford. He commenced his military career at the Cape of Good Hope. He brought a nation, which had generally been considered as enfeebled and incapable of military exertion, to the highest state of discipline; and at the battles of Busaco, Albuera, and Salamanca, he had stood foremost in the career of glory. But he should think himself unjustifiable, if upon this occasion he passed over the two noble lords who from the most honourable motives had declined to partake of the royal bounty; lord Niddry and lord Combermere. These noble persons had no views of superfluous wealth, and had afforded an instance of self-denial very seldom to be met with. [Hear, hear!] It was gratifying to him to hear that in this short tribute he was speaking the sentiments of the House. Before he sat down, he wished to mention that this annuity of 10,000*l.* to be exchanged for an estate of 300,000*l.* with the former grants of 100,000*l.* and of 4,000*l.* per annum, would make the total sum payable to the duke of Wellington amount to between 18 and 19,000*l.* a year.

A Resolution was then moved, "That the sum of 10,000*l.* be paid annually out of the Consolidated Fund, for the use of the duke of Wellington; to be at any time commuted for the sum of 300,000*l.* to be laid out in the purchase of an estate."—On the question being put,

Mr. *Whitbread* said, that he had but one objection to the motion. As to the achievements of the great man whom they were now called upon to reward, they might well say that they spoke for themselves. It was not unbecoming, however, to observe, that lord Wellington had fallen on times in which the spirit of detraction had not dared to attack him; and in this respect he was not like the duke of Marlborough; for there was no man so wicked, so stupid, or so envious, as to venture to detract from the glory of the duke of Wellington. It had often been said, that the merit of great men was seldom allowed in their own day; and that they must trust to posterity for that fame which their contemporaries denied them; but to the distinguished individual of whom he was speaking, they might well say:—

Præsenti tibi maturos largimur honores.

When they all agreed that the crown had acted properly in conferring the dukedom, it was the business of the House of Commons to provide that the successors to the dukedom should never look to the crown for an addition to the original grant, to enable them properly to support their dignity. Nor did he think it dignified, that at any future period recurrence should be had to the future bounty of the crown, in the way stated by the Chancellor of the Exchequer, who said that it would be open hereafter to the House to make a farther grant, if they found the present insufficient for all the requisite purposes. The House and the public must have in their contemplation, that the duke of Wellington was now established in the rank of the highest landed property of the country. It was proper that a splendid mansion should be either built or bought for him. When the right hon. gentleman spoke of 50,000*l.* as adequate to this purpose, every body knew that a fit mansion for the duke of Wellington could not be built for 50,000*l.* nor for less than 100,000*l.* Out of the money proposed this night, if so large a portion were to be sunk, what remained would not be adequate to the intended purpose. It did not become him to propose a larger grant, but he should be pleased if the grant were to be enlarged, and if the whole of the purpose of parliament should be accomplished that day. With regard to the other splendid characters, he joined most cordially in the tribute to their well-earned fame; and he was glad to see this war wound up with an act of public munificence. He thought that the gallant members of another service, who had never failed to distinguish themselves, ought not to be forgotten on such an occasion. He did not deny that the country had been sensible of their worth when any great victory was achieved by them; but at the close of the war, there was, in his opinion, a debt of gratitude due to the profession. He hoped, therefore, that a similar message from the Prince Regent would soon afford them an opportunity for again displaying their liberality. He wished this also, because the co-operation of the two services, which in former times had never been so cordial, had mainly contributed to our late success; and because he was convinced the army would feel that the whole was not done if the navy was left out.

Mr. *Ponsonby* said, though it was unusual for those sitting on his side to interfere in cases like the present, he could not but think the grant too small. The Prince Regent had raised the great commander to the highest rank in this country; and was any gentleman in that House prepared to say, that 18 or 19,000*l.* a year was sufficient to support the dignity ot that rank? He knew it might be said, that he was also in the enjoyment of grants from the Spanish and Portuguese governments; but the House would not be acting wisely if it took these grants into consideration. It was true, he might long continue to enjoy them; but there was no saying when this country might be in a state of hostility with both those countries. Would it be proper then, that he, or any of his descendants, should look to these countries for any part of his revenue? This grant ought, in his opinion, to be enlarged, and in the speediest manner converted into land. He did not wish to see him possessed of a revenue arising from the interest of a sum of money; he wished to see him in possession of a great landed estate, which should descend to the remotest posterity. If the right hon. gentleman was not disposed to amend the motion, by proposing a larger sum, he would himself move for something additional. Should any person have proposed 500,000*l.* he would have voted for it without the least reluctance. He should, however, vote for 400,000*l.*; and if he imagined that there was any probability of success, he would even propose 500,000*l.*

Mr. *Canning* was inclined to give the largest sum which had been mentioned. At the same time, he thought it but fair to say, that government, in coming down with a proposition of this nature, must keep in view other considerations, by which the generosity of individual gentlemen was not restrained. He should wish, therefore, any proposal of increase to come from that quarter, rather than from any other. If his right hon. friend was not prepared to come forward with any augmentation, or to give at once a negative answer, he thought it would be better for him to take time for the consideration of the matter. He agreed with an hon. gentleman, that what was to be done ought to be finally done now. The duke of Wellington ought not to be subjected to the remotest suspicion of shaping his conduct with the view of either conciliating the favour of government, or flattering the popular feeling. Every thing should be done, before his presence amongst us should run away with our judgments: on a sober estimate of those services that live on record, the remuneration of them ought to be awarded. Neither did he wish to see that great man hesitating whether the investment of the grant in funds or land would be most advantageous for him. Every thing mechanical ought to be taken off his shoulders.

The *Chancellor of the Exchequer* did not conceive 50,000*l.* adequate to build a fit mansion for the duke of Wellington; he merely thought it likely that a manor would accompany such a considerable property as was proposed to be purchased, and that this sum might be sufficient to repair and enlarge it. He fell in with the suggestions of the right hon. gentleman (Mr. Ponsonby) and would move for an additional 100,000*l.* making in all the sum of half a million now and formerly granted to the duke of Wellington by the nation. The annuity would be increased in consequence to 13,000*l.*

Mr. *Whitbread* said, this would make the gift worthy of both giver and receiver.

The motions for the annuity, and the grant of 400,000*l.* for its redemption, were then put and carried *nem. con.*

The House having resumed, the Report was ordered to be received tomorrow.

Lords Lynedock, Hill, and Beresford.] The House then resolved into a committee on the Message of the Prince Regent respecting lord Lynedock; when

The *Chancellor of the Exchequer* immediately rose, and, without comment, proposed a Resolution for granting to his lordship the annual sum of 2,000*l.* from the 3d instant, to be settled on himself, and his two next surviving heirs; which was also carried, *nem. con.* and the Report ordered to be received to-morrow.

The House having again resolved into a committee on the Message respecting lord Hill, to whom the Chancellor of the Exchequer proposed a similar annuity as that voted to lord Lynedock:

On the question being put,

Mr. *C. W. Wynn* observed, that he was perfectly satisfied the sum proposed by the right hon. gentleman was justified by precedent; but he would ask whether 2,000*l.* a year could be considered a sufficient stipend to support the dignity of the noble lord in question, who, it should be recollected, wasbut the younger brother of a very respectable family? He was aware that this was the sum voted to lord Rodney thirty years ago; but he apprehended no person would deny that the value of money at that period, and at the present, was extremely different; and a sum which might then be considered liberal, would now be deemed parsimonious. He thought a grant of 3,000*l.* a year would be no more than commensurate with the rewards given on former occasions; and this he conceived, for every reason, had best be vested in land.

Sir *Charles Monck* would be glad to hear it explained, why the provision made for a duke should be of a more lasting nature than that made for a baron? Was not a baron equally called upon to support his independence? and ought he not to be as independent as a duke, of the parliament and the crown? If this was admitted, he would ask, how it was that the proposed provision for lord Hill was only to extend to himself, and his two succeeding heirs? He considered that 2,000*l.* a year was no independence; and that the man who had only such a stipend would be open to the panders of corruption.

The *Chancellor of the Exchequer* considered, that if the standard of independence which had been laid down by the hon. gentleman was that only at which independence could be maintained, the parliament would indeed be reduced to the greatest danger. He apprehended, many members of that House were capable of maintaining both their independence and their dignity with a much less sum than 2,000*l.* a year. The hon. gentleman seemed to have considered his own habits as the criterion whereby to form an estimate of the feelings and properties of others; but that this criterion had been erroneous, he believed the House in general would fully agree. With respect to any addition to be made to the proposed annuity to lord Hill, it would be in the recollection of the House, that he (the Chancellor of the Exchequer) had, in the proposition which he had submitted, acted from precedents: if it was thought proper to depart from those precedents, the House had the power of so doing. At present, however, he thought it would be best to agree to the rates as submitted, and to reconsider them on a future day.

Sir *Charles Monck* said, the right hon. gentleman had given no explanation as to the extension of the annuity beyond the grandson of lord Hill. Unless some satisfactory answer were given on this point, he should move an amendment to extend the annuity to all persons to whom the title should descend hereafter.

The *Chancellor of the Exchequer* remarked, that the expediency of such an amendment as this, would apply to many noble families who had already received annuities upon the terms now proposed.

Sir *Charles Monck* said, the House was not bound to adhere to bad precedents.

Mr. *C. W. Wynn* remarked, that lord Lynedock had an independent fortune; this was not the case with lord Hill. It might, however, be better, as suggested by the right hon. gentleman, to agree to the votes as they were now worded; and to re-consider, at a future period, whether it would be proper to extend them, either as to sum or period.

The *Chancellor of the Exchequer* had no objection to this suggestion.

Sir *Charles Monck* considered, that in the proposition for confining the annuity to the two succeeding heirs to the title, his Majesty's ministers had it in contemplation, by rendering it necessary for the future baron to apply to the public purse to support his dignity, to deprive him of his independence, and render him more open to the operations of corruption.

Mr. *B. Bathurst* said, the hon. gentleman had certainly attributed to his Majesty's ministers a refinement of corruption which was perfectly novel—for he not only gave them credit for desiring to preserve its influence at present, but for three generations to come.

Sir *Charles Monck* was only desirous of knowing, whether there was any disposition on the part of his Majesty's ministers to accede to the amendment which he had suggested? If there was, he was satisfied.

The question, in its original form, was then put and carried, and, as in the other cases, the House resumed, and the report was ordered to be received to-morrow.

The Message respecting lord Beresford was then submitted to a committee of the whole House. A resolution similar to the former ones was proposed, and agreed to, and the report ordered to be received in like manner.

The Blockade of Norway.] Mr. *C. W. Wynn* rose, according to the notice on this subject, and said, that he had willingly waved the precedence which his motion was entitled to, in favour of the propositions in honour of those who had gallantly and successfully contended in the defence of their country. Though his motion was on a subject similar to those which had preceded it, he would willingly have abstained from it, if any assurance, or even hope, were given that it would not be attempted to subjugate the brave people of Norway to a rival and hostile nation. But when he saw, on the part of the king of Denmark, a declaration that he should throw no obstacles in the way of the cession of Norway to Sweden, and when he (Mr. W.) found that the commissioners from the allied powers, who were to proceed to Copenhagen and to Norway, were gone, not to negociate, but to attempt to conciliate the people of Norway to the projects which had been formed for their subjugation, and when these proceedings were accompanied by acts of hostility, he could no longer abstain from appealing to the justice and feelings of the House. But if, even at the present moment, an assurance were given, that the blockade of the kingdom of Norway should be suspended during the negociation of the commissioners, he would be content to withdraw his motion.

It was clearly consistent with the privilege of the House to recommend any subject to the crown, on a point which, in negociations pending, should be insisted on. This was recently exemplified in the Address of the House relative to the Slave Trade. It was therefore not only competent to the House, but regular, to recommend to the crown the interests of any particular body of men, if they should be deemed worthy of support. Having premised thus much, the first point that naturally occurred in the consideration of the question was, the state of our engagements to Sweden by Treaty, and whether we were to assist that power in the subjugation of a free people; an obligation which even those who thought it existed would acknowledge to be one of the most odious nature. What were the engagements in the words of the Treaty? That his Britannic Majesty engaged, not only not to oppose, but to assist by his good offices in procuring the cession of the kingdom of Norway to the crown of Sweden, or by employing, if necessary, his naval force in co-operation with the force of Russia and Sweden; but that force should not be resorted to, unless the king of Denmark previously refused to join the allied powers. Could it now be contended, that the object of this Treaty had not been fulfilled, when the king of Denmark had joined the Allies with twelve thousand men; that we were justified in using force; or, when the king of Sweden had declared that he was so well satisfied with the cession of Norway by Denmark, that he had given to this last power a suitable indemnity? Could it be more fully expressed than it had been by that Treaty, that the cession of Norway was the only object of it? Not only had Norway been ceded by Denmark by Treaty, but all the stipulations of that Treaty had been most fully complied with. It was stipulated, that the king of Denmark should, for himself and his successors, renounce all sovereignty over Norway—that he should, by proclamation, inform the Norwegians of his renunciation—that he should recal all the Danish functionaries, and evacuate all the fortresses. All these articles had been most fully complied with. It could not, he believed, be said that any Danish troops were now remaining in Norway. The natural interpretation of our Treaty with Sweden was, that we were not called on further to assist in the subjugation of Norway. This construction was fortified by the explanation of the noble lord, secretary for foreign affairs (lord Castlereagh), during the debate last year on the same subject, who then stated, that we had thought proper to refuse to guarantee to Sweden the possession of Norway; that it was true, that Russia had guaranteed the possession, but that we had merely engaged not to oppose it. If yet it was supposed that the meaning of the Treaty was dubious, what was the course to be taken? We could call in to our assistance the writers on the laws of nations; for it was natural to suppose, that all we had agreed by treaty to perform was agreeable to the law of nations; or that, if any new course were taken, it would not be left doubtful, but most clearly and distinctly be expressed. He would not tire the House with all the authorities on the subject; but all the considerable writers, Grotius, Puffendorff, and Vattel, had held, that though a sovereign might cede any part of his dominions for the security of the rest, yet that the part ceded was by no means bound to submit to the cession. Stronger authorities than these need not be quoted. It was true, that many instances might be adduced of aggression of every species arising from undisguised ambition; but these authors had uniformly been looked on as the landmark of public law, according to which, if any doubt arose in a treaty, it must be presumed that the agreement was concluded. In what light were we to consider the people of Norway? as an independent state, or as a revolted part of the dominions of the king of Denmark, or as a part of the dominions of the king of Sweden? Viewing them in either of these lights, we were not obliged, or justified in our attempt to subjugate them. Was it, however, to be said, that we had been at war with the crowns of Denmark and Norway; and that having made peace with the former, we continued at war with the latter? If this were admitted, yet as there were laws of war as well as of peace, it would be proper for us to look at the grounds on which we had first commenced hostilities. We had entered into a war with Denmark in order to get possession of her fleets, which we supposed might be turned against us; having obtained them, we were willing to make peace, which Denmark then refused to do, but pursued the war for the purpose of obtaining a restitution or indemnity. She had at last, however, made peace, and we continued the war with Norway. Now supposing, for the sake of the argument, that we had begun the war on justifiable grounds, yet had we any reason to proceed to an absolute subjugation of that country when she implored peace? If we recurred to the examples of ancient times, we might find that war then authorized every species of barbarity; but at present, consistently with the maxims of Christianity, we were obliged to contend that we carried on war merely for self-defence. In feudal times it was always at the discretion of a conqueror, whether he would give quarter; and so late as the 10th century, it was deemed justifiable in a captor to kill his captive; but now quarter was demanded as a matter of absolute right, and it was only justifiable to deprive a captive of personal liberty. We were not, therefore, justified, on the ground of our original war with Denmark, to pursue to extermination the hapless people of Norway. As it was always the right of a people over whom their sovereign had renounced his allegiance, to refuse to be transferred to a foreign prince, so their resistance ought only to be restrained by prudence; as a man, to whose breast a pistol is presented by a highwayman, merely considers whether he has such a chance of success as warrants him in hazarding his life in resisting him. This right of resistance had in all times been exercised by nations. When, by a base act of submission on the part of their monarch, the Scottish nation was delivered up to Edward 1, they refused to submit to this treaty, and were finally successful in their resistance. When also, about the same time, Snowdon and the other strong parts of Wales were ceded by Llewellyn to the English monarch, the men of Snowdon asserted, in a declaration which yet remains in the Tower, that their prince had no right to deliver them up to subjection to a people whose language, laws, and manners, were different from their own. True it was, that the Welch were at last subdued by an overwhelming force; but what was the prize thus gained, what were the advantages which accrued to England? During 200 years of constant war and bloodshed, Wales was to England a weakness instead of a strength; and by constant rebellions and inroads diverted the best part of her force, until by the junction of the two lines in Henry 7, the two countries became united. Such, he was persuaded, would be the case, if Norway by superior force were brought into subjection: No subjection to a foreign yoke could be more odious than submission to Sweden would be to the people of Norway. Every person who had travelled through Norway, knew that the tradition of the peasants—all their national songs, had for their subjects the victories obtained by their forefathers over the Swedes; and the manner in which they had repelled the invasion of that nation, which, whether justly or not, they had always considered as their most bitter enemies. We had heard of late, that the people of Brazil were unwilling that the Prince Regent of Portugal should return to his native country;—suppose then that he should be persuaded to yield up Portugal to Spain, would it be contended that that cession would be binding on the people? Whether the enmity of the Portuguese were softened since the commencement of the last contest, he did not know; but it was well known that they would formerly have submitted to political annihilation, rather than be united to Spain. Norway had been united to the kingdom of Denmark by the heir male to the former crown having married the heiress of Denmark—a case exactly parallel to the Union of Scotland to England in the time of James 1, whose ancestor had married a female, in whose line at last the right of the English crown vested. Suppose that in the time of this monarch, or his successors, an invading force had spread itself in England and occupied London, so that the sovereign was obliged to cede Scotland for the safety of England; would not the brave and high-spirited people of that country declare that the safety or danger of London did not regard them, but that they would maintain their own independence while their arms had strength? would not every freeman hear this declaration with joy?—It was said, however, that the Swedish government intended to bestow on the Norwegians the blessings of a free constitution—What freedom could be given a nation by compulsion? What were the terms on which this constitution was to be obtained? The Norwegians were to abandon their resistance, their fortresses were to be occupied by Swedish troops; and their troops were to lay down their arms. After these preliminaries, what constitution was there which would be worth the paper on which it was written? In no constitution was the security against despotism in the statutes, but in the strength of the people. If all the towns of England were occupied by foreign troops, what freedom of debate or decision would the House of Commons possess? It might be alleged, that the legislative body in France was a proof that freedom might be enjoyed in the presence of an overwhelming force. But this instance of moderation, which had no parallel, could have no influence on the question; as on no other occasion was it supposed that a deliberative body, under such circumstances, vented any thing but the commands of the military force under the name of decrees, and we could only wonder this was not the case now. In all the unprincipled aggressions of the French since the time of the Revolution, they always began by offering the people, whose independence they intended to attack, a free constitution. You may have, said they, Councils of Ancients and of Five Hundred; but for the present the French troops must be admitted, to preserve order. What if the Norwegians suspected, as they had to do with a pupil of Buonaparté, and one who had imitated him in many things, that in this also Charles John might follow the example of his master?—Who, when the Swedes were admitted, could bind them to their promises?—Who then would be found to sue on the King's bond? The Norwegians were told, that all the Swedes did was for their interest, although they thought otherwise. The Swedes told them, we negociate for your interest; meanwhile you may starve. Subsist if you can on the bark of trees or the moss of the bogs, and all things will be soon satisfactorily explained. So the Spaniard, who was ordered by Philip the second to strangle Don Carlos, when that prince made some resistance, begged him to be quiet for a short time, "as all that he did was for his Royal Highness's good." It was said, that Denmark had not *bona fide* yielded up Norway. If any assistance were given by Denmark to the Norwegians, it would be a just ground of war against the former power; but Denmark, he believed, had fulfilled its treaty. All the military force remaining in Norway were Norwegians, being either the militia or commanded by Norwegians, and recruited among that people. It was asked then, whether Prince Christian was a Danish functionary, or an usurper?—He was neither the one nor the other. When the king of Denmark renounced the sovereignty of the Norwegians, the heir apparent had rightly considered himself as their sovereign. It was then asked, why he had not renounced the Danish crown? Such a step he (Mr. W.) believed had been taken; but, if not, we had a right to demand from Denmark that he should be excluded from the succession. Although Norway had not been a separate and independent kingdom, but merely a province, and had exercised its natural right of resistance, he should have rejoiced at its success against a transfer such as had taken place in the present instance. But that kingdom, until 1660, was governed by its own states, and was as free as any northern nation. On its renouncing at that time its free constitution, its rights of independence remained the same as before. Nor would it be considered, that if even the emperor of Russia alienated any part of his dominions, the people were more bound to submit to a foreign yoke, than those of a freer state. Even if a country were transferred by its representative body, he should not hold the people in that case bound to submit; human nature would resume its rights, and who would not rejoice in its success? If therefore the Treaty with Sweden were inconsistent with the laws of nations, we were not bound to submit to it; for what treaty could bind a nation to approve of such a deed, for instance, as the partition of Poland? If Sweden attempted to bind us to the harshest letter of our contract, it would become us to enquire how she had performed her engagement. Her army was, by treaty, to have been placed at the disposal of the allies. Was it not quite notorious, that they did not follow the plans of the allies? Where, he asked, had the Swedish troops of late been engaged? In Holstein, and that for the benefit of Sweden. He did not wish to undervalue the services of the Swedes, or to say that it might not have been most fatal to us, if they had been employed against us. He agreed that the advantage arising from their co-operation justified the subsidy which had been granted to them. But was the cession of Guadaloupe to be considered as nothing? It was, indeed, no argument against granting to Sweden every thing that she had stipulated for, to say that she had already got all that she was fairly entitled to. But if she had in any respect violated any of the terms of the treaty on her part, it was too much to say that she was, at the same time, entitled to the extremest farthing in her bond. To shew that the Crown Prince of Sweden had of late been remiss in the co-operation to be afforded to the cause of the allies, the hon. gentleman read an extract from the Liege Gazette, relative to the inactivity of the Hanseatic Legion; and, in confirmation of that statement, observed, that in reality the Crown Prince of Sweden had not proceeded towards France till after Paris had been for a week in the possession of the allies. After this tardiness on his own part, the hon. gentleman thought the Crown Prince of Sweden could hardly complain if the Treaty was not strictly fulfilled in every part by this country. The policy of Great Britain had hitherto been to preserve a balance of power among the northern states. An alliance between this country and Russia had been long considered as almost necessary for the well being of both countries; and even when war had at any time been declared by the one against the other, it had never been a war which was waged with a spirit of animosity. From circumstances which he should not now touch upon, when the empress Catherine had chosen to conclude a treaty of commerce with France, and to decline one with England, still the trade was by the people carried on with England, and not with France. He might be told, no doubt, that we were now at peace with France. He was happy to think so, and hoped that such a state of things would long continue; but he was afraid that this was a friendship which was not likely to endure longer than it was for the interest of both nations. The interests of Britain and of France were, in so many instances, opposite to each other, that a peace of any very long continuance between the two countries was hardly to be calculated upon. He did not know that the circumstance of having a Frenchman at their head was more likely to render the Swedish nation favourable to this country: and in this situation, the independence of Norway, abstracted from every other consideration, was for this country a thing highly desirable. In that event, we should have been at no loss for a supply of those naval stores, which we were not so likely to get if Sweden and she were connected together under one head. If Norway were independent, she would naturally look to Britain for support; nay for food, and most other necessaries. Now for twenty-two years we had been contending for the independence of Europe; and when we had so fortunately accomplished our object, we now sought to continue the horrors of war, with the object of imposing a foreign and detested yoke on an independent kingdom. Mr. W. concluded by moving,

"That an humble Address be presented to his royal highness the Prince Regent, humbly to request that his Royal Highness would be graciously pleased to interpose his mediation to rescue the unoffending people of Norway from the dreadful alternative of famine, or of subjection to the yoke of a foreign and hostile power: and that during the discussion of such proposals as his Royal Highness may be advised to make for this most desirable object, all hostile operations on the part of this country, against a people struggling for the sacred right of national independence, may be discontinued."

Mr. *Lambton*, in seconding the motion, said, he was one of those, who, venerating the great principles which their ancestors had bled in maintaining, could not look on calmly, and behold a magnanimous people offered up on the altar of diplomatic convenience. It had been strenuously contended, that we were bound by the stipulations of our treaty. But this argument could not be supported, unless it was clearly shewn, that Sweden had completely fulfilled the conditions into which she had entered. Now, where was the Prince Royal of Sweden to be found when the late events were passing on the continent? Was he in Germany, at the head of his army? Certainly not. Having left off his former minor system of plunder, he was to be found in another quarter, enslaving a people, and pillaging a nation. Did those gentlemen, who had so often panegyrised the invincible spirit which the people of Spain and Portugal had displayed, hope that so virtuous a feeling would not be imitated by the inhabitants of other countries? He, on the contrary, anxiously desired, that so noble a spirit should extend through every part of Europe—and, he trusted, that, in the case of Norway, as in that of Spain and Portugal, the spirit of national independence would triumph over every difficulty. Much as he disliked the Treaty itself, by which the cession of Norway was recognized—still more did he dislike the time when it was entered into. At a time when the horrors of war were almost at an end—when the Allied Powers had recognised the right of the French people to form their own constitution—at that moment, which ought to be most auspicious for the interests of mankind, did his Majesty's ministers determine to compel a brave nation to bow beneath a detested foreign yoke.—What did the world now see?—It saw that England, which had held its head so high as the asserter of the liberties of Europe, become the oppressor of an inoffensive people; they saw her, not employing her arms against the Norwegians, but resorting to that which he thought England would have never stooped to—a system of starvation. In the year 1813, they had returned thanks to Providence for an abundant harvest—and, in 1814, they impiously attempted to withhold from a brave and spirited people a participation in that plenty which they themselves enjoyed. He hoped, however, those who supported such a system would be disappointed—and that the people of Norway would find as bold and as successful a defender, in some native warrior, as the inhabitants of Spain and Portugal had done in the duke of Wellington.

Mr. *Stephen* said, that if, as was argued on the other side, the conduct of Great Britain, in enforcing the cession of Sweden, was contrary to the immutable laws of justice, he certainly should be one of the first to accede to the motion. The agreeing to a treaty which proceeded on so bad a principle must, in his view of the subject, militate against the interests of the country—for no country could ever find its interests supported by a violation of the laws of God—or, what was the same thing, by opposing those doctrines on which the law of nations was founded. Such an opposition was, as it were, throwing down the gauntlet to Almighty Providence, which would not fail, at one time or other, to take it up. But this country did not stand in such a situation. The Treaty recognized no such principles; and this country, he contended, was called on to fulfil it. It was the imperative duty of Great Britain, even if she were obliged to use force, to see that Norway was, in the most extensive sense of the word, ceded to Sweden, unless the latter power absolved her from the condition. He was sorry to observe, that the hon. mover put a very limited construction on the terms of the Treaty. According to his interpretation, Sweden had a right to rest satisfied with the cession of Norway by Denmark, even though that cession were successfully resisted by the Norwegian people—and this country, he argued, was freed from any farther obligation. Now the Treaty stipulated for "the annexation and union, in perpetuity, of the kingdom of Norway as an integral part of Sweden;" and Great Britain was bound to assist in procuring that annexation, if necessary, by "a naval co-operation." Was it then possible for any gentleman to say, that this only meant, that a seal should be put to an instrument ceding Norway to Sweden, and that then the obligations of this country were perfectly discharged?—He should have felt surprised if a person unacquainted with the law of nations had defended such a position; but his wonder was very much increased when he recollected the research and knowledge of the hon. gentleman (Mr. Wynn). In quoting from the writers on the law of nations, the hon. gentleman had completely overlooked the chapter of Vattel, in which he spoke of the solemn obligation by which a state was bound to observe its treaties. That author observed, how unworthy it was in a state, how destructive of its character, to equivocate with, or falsify, the language of a treaty—which, he particularly stated, should be construed according to its literal meaning, and should not be influenced by any subsequent event. This passage directly met the present Treaty. The hon. gentleman said, if the people of Norway are willing to become Swedish subjects, it is very well—but, if not, you must not use force against them. Now, by looking back to the circumstances under which the Treaty was concluded, it would appear evident, that the contracting parties had a very different feeling. If, when that Treaty was drawn up, our minister had said, "Norway shall be ceded to you, but we will not use force to compel the cession," would such a condition have been accepted by Sweden? Would it not have been looked on as an insult? Would not the Swedish minister, considering the incurable hatred which was said to exist between the Norwegian and the Swedish people, have said, "You are proposing that which cannot be carried into effect?" Such, naturally, would have been his language. The hon. gentleman had also argued, that Sweden had not performed her stipulations, and, therefore, we were absolved from ours. Because the Crown Prince had not pressed forward to Paris so quick as the other Allies, he was viewed with distrust and suspicion.—But, were they to forget his great services at the battle of Leipsic;

were they to overlook his defence of Berlin; actions which, at the time they occurred, were spoken of in the highest terms of praise? No part of the conduct of ministers, in his opinion, deserved greater approbation, than the constancy they shewed in continuing to place confidence in the Crown Prince, when gentlemen were in the habit of insinuating that he would not fulfil the promise he had given. And were they now, because they could do it with safety, to equivocate and elude the terms of this Treaty? Were they to say to the Crown Prince—"Because you have not done every thing that human imagination could form an idea of, you have not acted up to your stipulations; and, therefore, we are freed from the obligation we entered into?" He would contend, that the terms of the Treaty were conclusive; and unless gentlemen on the other side could prove, that, in its inchoation, and when we put our seal to it, it contained an infraction of the law of nations, it ought to be strictly complied with. Now, he protested against the line of argument pursued by the hon. gentleman, who, having admitted that we were at war with Denmark, entered into an examination of the circumstances which led to that state of hostility. The cause of war between Great Britain and Denmark did not bear at all on the question. We were at war with that country, no matter whether justly or unjustly—and, having entered into this covenant with Sweden, could the hon. gentleman point out any writer on the law of nations who laid it down as a maxim, that a belligerent power should not distress an enemy? Neither Grotius, nor Puffendorff, nor any other writer on public law, held it criminal in a belligerent to seize part of the territory of an enemy.—Much had been said against blockading the ports of Norway—but, he confessed, that, in his opinion, the system of blockade, on the present occasion, was the best that could be resorted to, because it would tend to deliver the Norwegians from a protracted warfare, which, with their scanty means, might be productive of the most calamitous consequences.

Sir *James Mackintosh* said, he did not rise to examine the injustice or impolicy of the Treaty entered into between Russia and Sweden in 1812, nor to dispute the solemn decision of parliament with respect to the partial accession of Great Britain to that convention; he admitted the binding authority and force of that convention: and least of all did he rise in a British House of Commons to advise any evasion of it. The question was, not whether there existed any doubts as to its justice or injustice, but whether we were bound by its letter and spirit to carry on a system of hostility most odious and abominable against a new party—against a party who had not a political existence at the time the Treaty was signed—against the unoffending people of Norway. In rising to address the House, it was more from a desire to do justice to his own conscience, than from any hope that he could do justice to the cause; for after the concise and intelligent exposition of the hon. mover—after the able speech of the hon. seconder—and after the splendour of eloquence in another place, to which, indeed, he could not allude, but which he never could forget, it would be idle and foolish in him to address the House from any other motive than a wish to discharge his duty. If they looked at the Treaty, they must be convinced that the whole of it was made to depend upon certain acts that were to be done, or not done, by Denmark, who was solely and exclusively contemplated at the time the Treaty was made. It was not, indeed, possible to enter into any contract the performance of which depended upon events not only unforeseen, but, if he might coin a word, unforeseeable. Much stress had been laid by the hon. member who preceded him upon the authority of Vattel, from whom he had read a long extract. He did not quarrel with its length. It was well said by an ancient philosopher, that he never knew a man against reason until reason was against him; and in like manner the hon. member never opposed the opinions of jurists unless they were hostile to his own arguments. The ancient writers upon public law were not infallible, he admitted; but still they were the digests of those great principles which influenced every state, and constituted the permanent and embodied voice of Europe. Vattel was a high authority; but Grotius and Puffendorff were higher, perhaps; at least they were more consulted, because they were more ancient, and had been longer referred to by statesmen. And what was the doctrine of Grotius, in regard to ceded territories? That such cession was not compulsory upon the inhabitants, until they had acknowledged it by some act of acquiescence. Puffendorff held, that a prince might withdraw his garrisons, might recal his officers, and might transfer his own right to another, but that he could not cede or sell men. He could not, in fact, carry on a white slave trade. The commonwealth, no matter under what form it was administered, whether by a senate, a king, or any other authority, was the patrimony of the people. Their rights could not be transferred without their consent. A thousand instances of silent acquiescence proved nothing, in support of the contrary doctrine, equal to a single instance of resistance. What was the case with regard to Corsica? When we aided that brave but persecuted people, were we assisting rebels, or befriending an ardent, high-minded race who disdained to be placed under a foreign power? What were the feelings excited in this country in 1806 by the cession of the Tyrol? Yet the Tyrol was not an independent state, like Norway, but dependent upon the House of Austria. It was ceded, he allowed, under circumstances of sore and humiliating necessity, nominally to France, and afterwards to Bavaria. When it became necessary to subdue the lofty spirit of those brave mountaineers, did the late ruler of France compel Austria to bathe her paternal hands in the blood of the Tyrolese, writhing beneath the indignity offered to their independence?—No: insensible as he was to justice, he was not insolent enough to make such a demand. He sent his own troops to crush their glorious efforts; and he sent Hoffer, that patriot who sealed his country's cause with his blood, to an ignominious death. Would any man be bold enough to say, that he perished in an infamous rebellion? and yet, technically speaking, he was as guilty of high treason as Sydney and Russell were. Treason was either the blackest of crimes or the highest of virtues; and Hoffer was either to be ranked with Russell and Sydney, or, by their vote that night, to be confounded with the foulest rebels that had ever resisted just and legitimate authority. But he would descend from the high ground which he was entitled to take from the sanction of the most eminent jurists, and admit for the sake of argument, that it was the general duty of the inhabitants of a ceded territory to obey the last request of their sovereign, and transfer their allegiance to another power,—might there be no exceptions to that rule?—Might there be no cases in which the people would be justified in resisting such a cession? Suppose the king of Spain were disposed to cede his beautiful province of Andalusia to the emperor of Morocco; would the inhabitants of Andalusia be rebels if they protested against such a measure, and if they opposed it by flying to their arms? If ever there existed an exception, Norway was that exception; and he was willing that the question should be reasoned upon that ground. Reference had been made to other territories: the Germanic body, the states of Italy, Sicily, &c. where cessions were frequent. But they were only nominally independent: they were attached to larger kingdoms; they were the infirm and palsied limbs of Europe, and became invariably the first points of attack in every war. Had it not been the case with Lombardy and the Austrian Netherlands; and would any one rise and say, that the case of those countries was at all analogous to that of the ancient kingdom of Norway, who had given kings to other nations, and had never worn the scar of foreign bonds and fetters? A reference had been made to Scotland. He believed his hon. friend was from that country; for himself, he was proud to acknowledge that he had the honour of being a Scotsman. He was astonished, however, to find a parallel drawn between Scotland at the period of the Union, and the present situation of Norway. He would tell his hon. friend, that if Scotland had not been incapable of slavery, it would have been incapable of a beneficial alliance with the great nation it now belonged to. It was because Wallace suffered martyrdom in defence of that sacred principle he was now contending for, because he despised the cession which had been made of his country, that England had since received the services of a Moore, an Abercrombie, and a Graham. Was it for the advantage of the world—was it beneficial to the general order of society, that the bands between the sovereign and the people should be made tight?—Nothing tended more to relax them than the levity with which cessions of territory were performed. It had been argued by the hon. member, that we were not bound to guarantee the possession of Norway to Sweden. He should like to know how long our duty in that respect was understood to be obligatory. Suppose Norway had feigned to submit: suppose she had deceived Sweden into a belief that she yielded to the desire of Denmark, and was anxious to be annexed to Sweden; and suppose Sweden, in consequence, had sent into Norway only a small number of troops to take possession of it, would his hon. friend say, that we should have been bound to send out our fleets to starve Norway into subjection only one week after it had so yielded, and when she manifested her determination not to continue under the power of Sweden? If so, where was the difference between that obligation and a complete guarantee of the quiet possession of Norway? and if not so, where was the difference, on the other hand, between stratagem and open force? Denmark had ceded Norway; and to cede it as she had done, was all she had power to do. Norway, as an independent state, was not in contemplation when the Treaty with Sweden was signed. She had now become such, and surely could not be said to inherit the hostilities that were directed against Denmark, and Denmark only. The protection of the sovereign being withdrawn from Norway, she could not, when she lost all the privileges of Danish subjects, retain only the pains and penalties that belonged to her former condition.

Whether the insurrection in Norway were the act of the Norwegian people, or the work of a mere faction, had, it seemed, become a question; and this question the British ministers proposed truly to decide by starving the whole in order to render them unanimous. Yet this was denominated by his learned friend who spoke last a merciful war. What! that war merciful which threatened to famish a people, only because they loved their country and refused to submit to a foreign power which they detested—only because they preferred independence to subjugation, and he heartily wished they might succeed in maintaining that independence. That the British navy should be employed in seconding the object of such a war, he could not but reflect on with peculiar pain, in which he was persuaded all the officers in the service must participate; for that body, which comprehended not only liberty, valour, professional skill, and literary attainment, but the most accomplished gentlemen, must feel that they have so fallen, when so ingloriously occupied; that they who had so long borne in triumph the standard of glory, and the symbol of liberality, should be engaged in spreading famine and desolation among an unoffending people, and that too under the prostituted and profaned name of mercy. Was it thus that England was to sustain her reputation in the world, which had heretofore regarded her as just, generous, and humane; that, under the name of blockade—a word used to hide the horror of the deed—she should so act as to provoke the Norwegian nation to exclaim, in the affliction of her heart, "here are those boasted advocates of human liberty, those deliverers of mankind, come to starve our infants, because our countrymen will not submit to slavery!"

Mr. *Canning* said, that in the view which his hon. and learned friend professed to take of this subject, he was glad to perceive that he delivered opinions to which he had no hesitation in agreeing. He was glad also, because it gave him an opportunity of congratulating the House on so splendid an acquisition, the value of which he well knew before, but had not the pleasure of witnessing until that night. His opinions were by no means in conflict with the hon. knt.'s as to the Treaty itself. If the question now was, whether consent should be given to the Treaty? he had no hesitation in saying that he would refuse it. When that was the question upon a former occasion, he endeavoured to persuade the House not to sanction the engagement. But, strong as his opinion was against it, he yet felt that when the engagement was once entered into, he considered himself as bound by it; and the question now was, whether, the Treaty being once sanctioned, parliament was bound to adhere to it according to the proper construction of the Treaty? It was unfortunate, that their good faith and their feelings should be placed in opposition; but in such a case good faith was to be observed even in opposition to feeling. In the latter part of his speech his hon. and learned friend endeavoured to seize on the feelings of the House. He drew a glowing picture of the miseries that must arise from a blockade, which, in other words, he said, was a famine. He was too good an historian, however, not to know that any term may be easily spread out in this manner. It would be easy to lead his audience to an hospital, to represent the weeping mother and the bleeding child; but representations of this kind would apply to legitimate as well as to illegitimate horror. He commenced his examination of this subject, as some of his friends well knew, with the hope that the construction of the Treaty did not bind to the blockade of Norway; but, after diligent examination, the conclusion on his mind was, that the Treaty was binding in the sense he should explain. It was said, that all our engagements with Sweden were directed against Denmark, not against Norway. Norway, it would appear, started up a new being, with all the properties of an independent kingdom about her; and it was said, that she was represented as such in the Treaty. It was true, that in all the articles of the Treaty between Sweden and Russia, there was an ostentatious putting forth of the kingdom of Norway. The word cession, however, was not to be found in the Treaty. The stipulation was, that Russia should effect the union of Norway and Sweden, not that she should procure the cession from Denmark. To this Treaty, Great Britain acceded; and Sweden was careful to bind her, not against opposing any obstacle to the annexation, but to active co-operation. Could there be any co-operation in merely procuring the cession from Denmark? The lofty ships of Britain could not climb the mountains of Norway, to effect such co-operation. How then was she to employ her ships for that object, but by blockade? They who wielded the weapons of war, however they might feel for the miseries they inflicted, were obliged, notwithstanding, to employ them. Part of the Treaty with Sweden was, that this country should contribute to the annexation of Norway; keeping in view, as much as possible, the liberty and happiness of Norway. These words proved, that mere cession on the part of Denmark was not the only thing to which Great Britain was bound. If Denmark acceded to the coalition then forming, that would have freed this country from the obligation; but Denmark did not do so until she lost all her possessions on the continent. The Treaty between Sweden and this country, as it regarded Norway, could only be softened by the previous accession of Denmark to the coalition. Sweden stood better, with respect to her object, before than after the Treaty: for before the Treaty this country was bound to assist her by immediate force—this Sweden exchanged for a distant and contingent aid. That this country might co-operate with Russia, Sweden, and Denmark, was indispensable to cement the alliance. Denmark could not be prevailed upon to do it. Sweden then was the only country that remained by which this object could be obtained. The point to which he called the attention of the House, when he opposed the Treaty with Sweden, was, that the war with Norway might survive a peace in all other parts of Europe; and he then moved an amendment, with a view to this difficulty, which was negatived. The Treaty was sanctioned, and the hazard was disregarded. He did not then—no man could then—look for the events which had since taken place. No man could look for such an overwhelming accomplishment of the hopes and desires of Europe; but, at least, he saw the possibility of it. That the Treaty was fulfilled on the part of Sweden, no man could doubt. She kept 30,000 men in the field; and if the co-operation of Russia with Sweden produced such beneficial effects to Europe, her services were not now to be estimated lightly. Even the words of Austria herself proved that Sweden had performed her part. She represented the alliance between Sweden and Russia as the circumstance which saved Europe.—This one sentence from Austria was sufficient testimony of the services of Sweden. The question was not now, whether the engagements were wise; but it was at least a fact, that the engagements between Russia, Sweden, and England, were what led to the present state of Europe. It would be ungracious, if, in the moment of difficulty, Sweden was called upon to fulfil her part of the Treaty; and when the difficulty and danger were removed, the other party refused to fulfil theirs. Wise politicians should go back to consider the value of engagements. If they held back the price of her services from Sweden, on the plea of immorality, that immorality was as apparent when the Treaty was entered into as now, and it was then deliberately agreed to. This being his view of the case, he wished to lay out of his consideration the general arguments which had been employed. As to the cession on the part of Denmark, it was an *otiosa questio*. The cession by Denmark did not alter the nature of the case.—They were not at the time of the Treaty, nor were they since, at peace with Norway. The first part of the declaration of Prince Christian himself proved this; wherein he said, that he then gave the Norwegians peace with Great Britain. This was dated on the 14th of January. Prince Christian was not to take advantage only of the first article of the Treaty, and entirely neglect the 10th. He and the people of Norway had a right to oppose the cession; but did that take away the right to enforce it on the part of those who had stipulated for its enforcement? He was not one of those who had cried up the man that stands upon the steps of the Swedish throne. Having, therefore, never given an opinion upon his merits, he had nothing to unsay. He was, however, now free to confess, that he had been over-rated and raised too high; but he must also confess that he did not think so lowly of him as some among his former admirers. On the subject of a guarantee, his opinion having been adverted to, he would use a few words. As a mode of ascertaining the real sense of the Treaty, he had compared it with others, particularly the Partition Treaty, which bears a closer resemblance than any other. By that Treaty the contracting parties undertake to put each other in possession of the territories severally allotted to them, by force, if necessary, and so far he considered the Treaty with Sweden equally binding upon England. But the Partition Treaty goes farther, and guarantees the security of the possessions, whereas there is no such clause in the present Treaty. It is not therefore commensurate with, and equally extensive as the Partition Treaty. It goes only to the putting of Sweden into possession. He regretted that it went even so far, and would be glad to pay any price in our power to get rid of the obligation; but he could not consent to allow the good faith of the country to be called in question, and therefore could not agree to the motion.

Mr. *Whitbread* said, from the anxious feeling expressed by the right hon. gentleman that Great Britain should be freed from the odious obligation she had contracted—from the vehemence with which he declared, that there was no price which he would not willingly pay to get rid of the condition imposed upon her—it did appear to him, that he would have proposed a motion precisely similar to that before the House. Now, what price did those who supported that motion call upon the crown to pay, in order to relieve the country from so unpleasant a situation? They only requested that good offices might be resorted to—they only demanded that the Norwegians should be rescued from the horrible alternative of a yoke they detested—or the less horrible choice of famine!—He said, the less horrible choice, because, sooner than submit to Sweden, he was convinced they would perish. He was always extremely happy when the right hon. gentleman coincided with him in opinion—and he regretted very much that, on the present occasion, their sentiments were opposed to each other. Had the right hon. gentleman taken that side of the question which he (Mr. Whitbread) supported, he was sure the friends to the motion would have derived great advantage from his eloquence, and from the facility with which he persuaded others to adopt the opinions he had himself formed. But, on that night, the abilities of the right hon. gentleman appeared to be tied down and trammelled by the view he had taken of the subject; and if any young member, who had heard much of his powers, attended the House in the expectation that he would witness a great display of eloquence, he must have been miserably disappointed. He would say, after he had heard the speech of the right hon. gentleman, that he certainly must have forgotten himself! His little metaphors—his pebbly stream—his rushing torrent—his dark clouds—his tempestuous atmosphere—fell very far short of those bold flights of imagination to which he sometimes rose—and to which he would, no doubt, have risen that evening, but that the subject fettered and confined his genius. It did appear to him, that the right hon. gentleman had misquoted the Treaty—particularly when he contended that it bound Great Britain to the fulfilment of terms such as were never before exacted from any state. He felt with those who supported the motion, that every means ought to be taken to inflame the House, and if not the House, the people at large, to go to the foot of the throne, and to exclaim against a participation in an act which sullied the hitherto unspotted character of the country. Many gentlemen had expressed a wish to find, upon examination, that Great Britain was not bound by this iniquitous Treaty. He was convinced that we were not bound by it—and, if we chose to commence hostilities against Norway, we should do it gratuitously—for there was nothing in the Treaty that bound us to such an act—we were as free as air on that subject. He would beg leave to bring the recollection of the right hon. gentleman back to the origin of the Treaty; and, in doing so, he could not avoid observing, that he had confined himself to a scrupulous examination of particular words, instead of looking to the general complexion of the measure.

When the original treaty was entered into between Sweden and Russia, it did not arise from any apprehension that the former country would be invaded by Denmark, through Norway (for these powers were then at peace); but the fact was, that Russia, to indemnify Sweden for the loss of Finland, offered to guarantee Norway to her as an equivalent. But, said the right hon. gentleman, England stepped in just at that time, and, in consequence, the stipulations of that treaty were postponed until other operations had taken place. But, if the right hon. gentleman would consult the dates of the different treaties, he would find that this was not the fact. What, he would ask, did England agree to do? To obtain the cession of Norway from Denmark—and in case the king of Denmark refused, or declined joining the Allies, in that event, to make use of force. The junction which ultimately did take place between the king of Denmark and the Allies, after the former had been deprived of great part of his dominions, was not, he was willing to allow, of that description which was originally contemplated, and which would allow him to say to the Allies, "I have joined you, according to your own conditions, and, therefore, you cannot call upon me to cede Norway." But, Denmark having, as far as she could, ceded that country, we were completely freed from the operation of the condition into which we had entered. The honourable gentleman had alluded to the Partition Treaty, as a proof that territories were occasionally ceded. He might have adverted, with the same view, to the Treaty at present in progress. Innumerable instances might be adduced, where cessions were made, and no resistance was offered them; but would the right hon. gentleman contend, that, where a people were absolved from their allegiance, they had not a right to form a government for themselves, and to resist those who endeavoured to prevent them? There was not a people on the face of the earth, to whom that right did not belong. And, when a nation, like Norway, secured from attack, on one side by its mountains, and on the other by its iron-bound coasts—inhabited by a brave, hardy, and, he hoped, a free people, determined to assert that right, every man who possessed any claim to patriotism ought to applaud them. That people had expressed to their sovereign the king of Denmark, their determination to submit to all the horrors of war and famine, sooner than become the subjects of Sweden; at length Denmark was obliged, the sword being put to her throat, to cede the country. Under these circumstances, were not the Norwegians fully justified in renouncing the throne of Denmark, in declaring they would never return to it, and in opposing the yoke of Sweden, which they viewed with detestation? The right hon. gentleman said, the word 'cession' was not used in the Treaty—there the term 'annexation' was alone to be found. He was really surprised that a gentleman possessing such a comprehensive mind should have recourse to such a petty distinction. But, if he looked to the Treaty entered into at Kiel, on the 10th of January last, he would find in the 10th article, that the cession of Norway was expressly mentioned. By that article, it was admitted, that the king of Denmark had fulfilled the stipulation into which he had entered, to give up Norway; and therefore the business was entirely taken out of our hands. The right hon. gentleman spoke of Prince Christian as a rebel to the crown of Denmark. Now, it was true, he might have forfeited that crown; but still he had acted as every patriotic man should do, when called upon by a brave people struggling for their rights, regardless of personal consequences, to put himself at their head. He had conducted himself with a degree of fortitude and magnanimity which shewed that he was worthy of ruling over a free nation. Now, suppose England was placed in a situation so unfortunate, that, to retrieve herself, she should be obliged to cede Ireland to a foreign enemy—in such a case, was there an Irishman whose indignant heart would not burst at the mere mention of such a degrading transfer. And, when they had before them those heroes who had achieved such glories in Spain and Portugal (the greater number of whom, he believed, were natives of Ireland), could it, be doubted, that the people of that country would find leaders who would establish their independence in spite of the world? The hon. gentleman then proceeded to argue, that "the man now on the steps of the throne of Sweden" (as Mr. Canning termed him) had not given that effective co-operation to the allied powers which he had stipulated to do; and, therefore, upon that ground, as the conditions entered into by Sweden were not fulfilled, we could not be fairly called upon, allowing that we were otherwise bound, to compel Norway to receive a new sovereign, to carry that stipulation into effect. He should like to hear what sir C. Stewart, or marshal Blucher, would say upon the subject of the assistance granted by Sweden. The gentlemen who argued on the other side appeared very unwilling to examine this point. Yes, although the right hon. gentleman would give any price to free this country from the trammels of the Treaty, yet neither he, nor any of those who coincided in opinion with him, thought it all necessary to examine whether Sweden had performed her part of the contract. He then proceeded to argue on the inconsistency of supporting the Spanish people, who were transferred by the act of their sovereign to France, but who opposed that transfer; and yet, in the case of Norway, not only refusing to assist her exertions, but absolutely using force to crush them.—What did the inhabitants of that country want? They did not ask for arms or ammunition. They only requested barley and oats—the coarsest fare contented them—their luxuries were of so humble a nature, that the people of this country would scorn to put up with them, even on the most meagre days. Surely Great Britain would not stain her national character, by refusing such a demand. The learned gentleman (Mr. Stephen) made a number of observations that greatly surprised him. With respect to his half pious and half profane illustration of his argument, about throwing down the gauntlet to Divine Providence, which the Almighty would certainly take up, he should say nothing—But he would tell the learned gentleman, that, although he appeared very moderate, although he was by no means wicked, yet his tender mercies (as developed in his speech that night) seemed to be most cruel. If he had not been well acquainted with the learned gentleman's voice and manner, he never could have supposed, that the identical man whom he had heard descanting on the miseries of the Slave Trade was the individual who that night laboured to shew the necessity of starving the Norwegians! If he did not know him well, he should have supposed him to be one of those friends of freedom and happiness, who, some years ago, were in the habit of stating to the House, that the natives of Africa ought to be transported from their barbarous country to taste of liberty and comfort in the West Indies. If he were not perfectly convinced, that the learned gentleman abhorred the French Revolution, he should that night have mistaken him for one of the old constituent body, offering the people of Norway a new form of government, with the book in one hand, and the sword in the other. He called upon the House to examine, and to spurn from them, this hardened, this unfeeling, this iron kindness! He wished to God a flame of fire would enter every breast in that House, and in the country, and excite the utmost energies of the people in behalf of the Norwegians, for whose success he most fervently prayed. In conclusion, the hon. gentleman observed, that those who thought the Treaty was binding, and those who had formed a different opinion, might concur in the present motion, which only went to procure a pause from action, before this country proceeded to hostile measures.

The *Chancellor of the Exchequer* contended, that this country was bound, in compliance with the stipulations in her Treaty with Sweden, to put the Crown Prince in possession of Norway. He remarked, that the Crown Prince had fulfilled all the terms which had been proposed to him by Denmark for this cession—he abandoned the fortresses which he had taken, advanced a considerable sum of money, and, in fact, had neglected no one of those acts which were necessary to entitle him to the fulfilment of the contract on the part of the king of Denmark. Not so with the king of Denmark; he had not acted with that good faith, which it was just he should have done; and hence arose the necessity, as well as the duty of this country, to take care that her ally received that recompence for her sacrifices which she had a right to expect. The right hon. gentleman on the floor (Mr. Canning) had put the subject on the proper ground; and acquiescing as he did in the arguments that right hon. gentleman had adduced, he did not think it necessary longer to occupy the attention of the House.

Mr. *Ponsonby* said, the right hon. gentleman who had just sat down had said, that his right hon. friend (Mr. Canning) had put this question upon its proper ground—that was to say, we had entered into a Treaty to secure the possession of Norway to Sweden, and to employ our naval force in the attainment of that object. This was the first time that he had heard any nation could bind itself to an act of tyranny and injustice. No doubt, if a treaty was entered into, whether inconvenient or onerous, we were bound to abide by its stipulations. If we had undertaken to pay a sum of money, if the last shilling was wrung from the pockets of the nation by taxes, it ought to be and should be paid. If we had undertaken to give to Sweden commercial advantages, however incompatible with our own interests and those of posterity, that stipulation ought to be religiously performed; but no stipulation could be binding which was contrary to justice itself. Who had ever heard that it was right to do that which was in itself wrong, and which was destructive of the natural rights of nations? He denied that it had ever been in the contemplation of this country to use force towards the Norwegians; all that was intended was, to force Denmark to cede Norway to Sweden, and this had been effectually done. With respect to the Treaty itself, which had been first entered into between Russia and Sweden, and to which Great Britain had afterwards acceded, he considered it as one which, in point of atrocity, had not been equalled by any former transaction of mankind. In confirmation of this remark, it was only necessary to refer to the speech of the right hon. gentleman opposite (Mr. Canning), who, although he had opposed the motion of his hon. friend (Mr. W. Wynn), had not hesitated to say, that there was no sacrifice which he would not make to be freed from the obligations of this Treaty. These obligations were, notwithstanding their revolting nature, he would repeat, fully performed. Denmark had ceded, by compulsion indeed, her rights over the sovereignty of Norway; but the Norwegians themselves, as the Chancellor of the Exchequer had said, refused to sanction this transfer; they had, as they were entitled to do, resisted the oppression with which they were threatened: and, although they were justly so resisting, the navy of this country was to be employed to force them to obedience. Such a misapplication of the British arms, he contended, had not been stipulated for, and, consequently, ought not to be permitted. It had been said, that this was an illusory construction of the Treaty; and it was contended, that we were bound to see Norway annexed to Sweden. As far as the cession of the sovereignty of Denmark could go, that annexation had been accomplished, and not one step further was this country bound to go. The king of Denmark had ceded his sovereignty, had ceded his rights over Norway, and, as far as he could force her people, had compelled them to become the slaves of a nation for which they felt the strongest hatred. The people themselves had, however, refused to sanction the transfer. It had been said, that Prince Christian had been instrumental to this spirit of resistance; and it had been further insinuated, that the Danish government themselves had, in an underhand manner, given encouragement to the feelings which had been displayed. If this had been the case, let Prince Christian be punished—let Denmark be again visited by the ravages of war; but there was no principle of justice or humanity which could bind this country to perform towards Norway an act of national injustice. [The Chancellor of the Exchequer here said across the table, "Our good faith ought"]—Our good faith (said Mr. Ponsonby) might call upon us to perform stipulations inconsistent with our interests, but nothing could authorise us to commit an act of downright tyranny and oppression. What would be the state of the human race, if governments were allowed to transfer their subjects at pleasure, and if no right to resist such transfers existed? Would it not be degraded—fallen—contemptible? The present case was not new to the people of England—they had always been ready to assist nations struggling for their own liberty.—What had happened on the partition of Poland? What was the conduct which England then pursued? When the partitioning powers entered Poland, Stanislaus Sobieski, overwhelmed and alarmed by the force with which he was surrounded, called a diet, and gave up to the empress Catharine of Russia all that she required. Did the people of Poland subscribe to this sacrifice? No; a great part of the Polish nation, led by Poniatowski, determined to maintain the independence and the liberty of their country, and made long and glorious struggles for that purpose. That conduct was not thought, by England, rebellious. That was not deemed a perfidious act. No; but it received the approbation, the countenance, and the sympathy of this country. Our merchants, our bankers, and our traders, assembled together, with their lord mayor at their head, and in a few days subscribed a large sum of money to support a people, who, in despite of their own government, refused to be transferred. True it was, the brave and gallant people were at length overcome; but though they had failed, no man who had ever written said, that in what they did, they had not done right. No man had been heard to say, that the assistance of this country had been improperly bestowed. A later instance had been afforded in the case of the inhabitants of Tyrol, who, when transferred by the Austrians to the French, refused to be thus transferred, and, headed by Hoffer, a poor innkeeper to be sure, but a man that was not to be terrified by dangers however great, or opposition however powerful, resisted the slavery to which they were destined, and bravely fought for that liberty which had been so basely bartered. They, however, unfortunately shared the fate of Poland, and were obliged to yield to their conquerors. No man, however, had thought that they were not justified in their conduct. This country felt for the Tyrolese as they had for the Poles, and had contributed by pecuniary means towards their encouragement; and it was then, as it ever would be, maintained as an incontrovertible truth, that the right of resistance under such circumstances was common to all mankind. It might be said, as with Corsica, that such resistance was foolish and imprudent; but its folly or its imprudence did not lessen the noble motives from which it had arisen. So now with respect to the people of Norway, whom it was falsely stated we were bound by a treaty to starve into compliance, it was an act of tyranny which we had ever been the instruments to oppose. Starvation was, in fact, the only way in which war was to be made upon these unfortunate people. They had no fleets, they had no commerce, to which our efforts could be directed—and now the navy of England—that navy which had swept the seas of every other navy in the world—so great, so glorious, so triumphant, was to be employed in starving the inhabitants of Norway into compliance with a demand inconsistent with all moral and natural obligations, and directly at variance with those principles of which Great Britain had at all times been the champion. Here would be a charming service on which to send a lord Nelson. It might be said, that first-rate ships would not be employed in this honourable warfare. Perhaps, then, captain Broke, and his gallant crew, who had humbled the pride of the American navy, and in fifteen minutes had forced the Chesapeake to strike to his superior skill and bravery, would be sent to assist in starving an independent, free, and gallant nation into submission and slavery—a glorious reward for such an officer—a pleasant employment for the naval force of England! It was in vain to disguise from themselves the truth of this matter. The Treaty which had been acceded to was iniquitous and unjust. The stipulations, however, it was clear had been complied with, and there was no tie of honour or honesty by which we were bound to do more than had been done. We could arraign other countries for their offences—we could be loud in our condemnation of acts of injustice committed by other states; but he knew not whether Buonaparte, in the plenitude of all his power—in the full exercise of all his despotism, had ever committed an act of such atrocity as that of which we were now the abettors. Whatever we might think of ourselves—whatever judgment we might pass upon our own conduct—the rest of the world could not but pronounce us unjust, unprincipled, inhuman; and that England, which amidst so many storms of adversity had maintained her dignity—that England, which had ever stood foremost in the chastisement of injustice—that England, which had heretofore supported the highest rank in the civilized world, was about to do that which would sully her name and sully her glory for ever!

Mr. *Wilberforce* was compelled, from a sense of duty, to resist the motion, on the ground stated by his right hon. friend (Mr. Canning). He gave ministers credit for their good intentions; yet he could not admit that the proceeding towards Norway was just or liberal. On those principles which he had ever observed, and on which he had formerly deprecated the Slave Trade, he considered the partitioning of states against their will a most despotic sacrifice of public rights. He hoped his Majesty's ministers, who did not appear to be the projectors of this cession, would do all they could to avert the calamities of the Norwegians. There was no sacrifice that he would not make, to prevent an act of such flagrant injustice.

Lord John Russell spoke in favour of the Address; as did Mr. W. Smith.

Mr. *Bathurst* spoke in favour of the

measures adopted by his Majesty's ministers, and in support of the necessity of Great Britain placing Norway in the possession of Sweden.

Sir *Thomas D. Acland*, although from the first moment he saw the Treaty with Sweden, he felt for it the utmost detestation, yet felt himself bound to say, that its stipulations ought to be carried into effect; and, therefore, reluctantly he must oppose the motion of his hon. friend. Before he sat down, however, he begged he might be permitted to state some information which came within his own personal knowledge, and which might have some weight with his Majesty's ministers. At this time, and the whole of the next month, was the seed-time in Norway. The inhabitants, he believed, had scarcely sufficient to sow the land for a crop; and yet he feared that even this little their necessities would oblige them to devote to their present sustenance, whereby hereafter they would inevitably be reduced to famine. This circumstance, he conceived, ought to induce some relaxation towards these unhappy people. Though we were bound by our Treaty to co-operate with our naval force in attaining the objects of Sweden, we were not bound to carry on the war with the utmost rigour. There were no sinews of war to be crippled, no commerce to be impeded; all that could be done was, to starve not alone the rich but the poor—the soldier and the peasant—the women and the children—the infirm and the aged. These were circumstances which ought not to be forgotten—we should not lose sight of the miseries which were inflicted on the innocent.—He had himself, while a prisoner in Norway, experienced the greatest kindness and liberality; and at a time when this country was making her attack on Copenhagen, when every family in Norway was anxious for the fate of some one of their relatives and friends, and when the post by which that intelligence was to be conveyed was stopped by our cruizers, he, accompanied by others, passed through the streets of Christianstadt, amidst crowds of the enquiring and anxious inhabitants, yet not one of them received the slightest insult. Again, at a period when the king of Denmark had forbidden, under the most severe penalties, all communication with England, or connection with English mercantile houses, he, among others, went to a Norwegian merchant to apply for money—when they were told, bills upon England were prohibited; but the person to whom they addressed themselves expressed his love and veneration for England; he called it the friend and protector of his country, and, without hesitation, gave up his money without security, saying, "You are Englishmen; I know you will be honourable." Such were the sentiments entertained of, and confidence placed in, this country by Norway; and he could not but lament, that we were now repaying that confidence by the blackest ingratitude.

Mr. *C. W. Wynn* now rose, amid loud cries of Question! and having shortly replied to the arguments which had been urged against him, a division took place—when the numbers were:

For the Address - - - -	71
Against it - - - - - - -	229
Majority - - - - - - -	158

List of the Minority.

Aubrey, sir John
Abercromby, hon. J.
Anson, general
Baring, sir T.
Burdett, sir F.
Bernard, Scrope
Bewick, col.
Bennet, hon. H.
Brand, hon. T.
Creevey, T.
Combe, H.
Calvert, C.
Campbell, hon. J.
Campbell, lord J.
Dundas, hon. L.
Douglas, hon. S.
Ebrington, lord
Foley, T.
Fremantle, W. H.
Fitzgerald, lord W.
Greenhill, R.
Grant, J. P.
Gordon, R.
Gaskell, B.
Guise, sir W.
Hamilton, sir H.
Horner, F.
Halsey, J.
Hughes, W.
Hornby, E.
Howard, H.
Lambton, J. G.
Lloyd, M.
Lemon, sir W.
Leach, J.
Leader, W.
Martin, H.
Martin, J.
Mackintosh, sir. J.
Monck, sir C.
Melgund, lord
Moore, P.
Mostyn, sir T.
Mewport, sir J.
Nugent, lord
North, D.
Ord, W.
O'Hara, C.
Ponsonby, rt. hon. G.
Piggot, sir A.
Phillips, G.
Prittie, hon. F.
Parnell, sir H.
Paulet, hon. V.
Ridley, sir M.
Romilly, sir S.
Rancliff, lord
Rowley, sir W.
Russell, lord J.
Smith, J.
Smith, J. Cambridge University.
Stanley, lord
Scudamore, R.
Tierney, rt. hon. G.
Tavistock, marquis of
Whitbread, S.
Williams, O.
Wharton, J.
Western, C.
Winnington, sir T.
Williams, sir R.

TELLERS.

Wynn, C. W.
Smith, W.

HOUSE OF LORDS.

Friday, May 13.

Clergy Penalties Bill.] The House resolved itself into a Committee upon this Bill. Upon the provision authorising the courts, under certain circumstances, to stay the proceedings that had been entered into;

The Duke of *Norfolk* observed, that however unworthily the person in question might have pursued his object, still it was of consequence that the faith and law of the country should not be violated without strong necessity. These penalties had been sued for under the sanction of the law; and he thought the party suing ought at least to be indemnified for his own expences incurred in the prosecution.

Lord *Ellenborough* said, that the principle of the provision was analogous to the usual practice of parliament.

The *Lord Chancellor* said, that it was certainly a delicate proceeding; but that it had been the practice, at all times, when an informer made a vexatious abuse of a law which was intended for wholesome purposes, for the legislature to interfere, and shield those who were the objects of that vexatious abuse from the penalties incurred. If the House were justified, therefore, in depriving this person of his vested rights in penalties legally sued for, the same principle would justify them in interfering with respect to his costs. In cases even, where a verdict had been obtained, in vexatious prosecutions, and 100*l.* penalties recovered, only 10*l.* were allowed; and in others, the costs were often denied after a verdict obtained.

Lord *Holland* contended, that the necessity of the present Bill arose from the deficiencies of the 43d of the King, which it would be better to acknowledge wrong at once, than to persevere in from any false notions of consistency. Instead of an act of grace to the clergy, it had proved one of great hardship, especially from the technical description of residence, which he wished was got rid of. He did not mean to oppose the present Bill, because its object was to relieve a vast number of individuals from a prosecution which arose out of the errors of the legislature itself. Similar prosecutions, he feared, would be frequent, unless they departed from the principle of enforcing residence, or defined the nature of residence more accurately.

The *Lord Chancellor* contended, that the 43d of the King, as far as the residence of the clergy was concerned, had been a very great improvement. The cases of hardship, before the passing that Act, were numerous. He remembered two or three which came under his own notice; particularly one, of a clergyman who went down to his living in the country, and found a handsome parsonage-house, much larger than he wanted, as he had no family. An attorney in the place, with a large family, was living in a small convenient house, which he proposed to exchange with the clergyman, and reside at his parsonage. At the end of the twelve months, when the attorney was applied to for the difference of the rent, his answer was, I owe you nothing, but you owe me 110*l.* the amount of penalty for non-residence, which he actually sued for and recovered. The 43d of the King, he certainly did not think open to so many objections as the noble baron had insinuated. He felt some little personal concern about that Act; for he had laboured day and night to render it beneficial to the clergy. The temper of the times when it was passed did not admit of consulting the mutual interests of the clergy and public so much as might now be done.

The Archbishop of *Canterbury* was of opinion, that great relief had been afforded by that Bill; but, at the same time, much required to be done to give it a full and perfect operation. Nothing was more to be deplored, than that the inadvertence and misconduct of some of the clergy had given occasion to the present Bill; but it would be found, that its provisions separated the cases of vicious non-residence from those of mistake and neglect.

Lord *Ellenborough* wished the whole matter of residence to be re-cast. It had been approached by the legislature with a very imperfect knowledge of the subject, and, as it stood at present, was full of defects.

The *Lord Chancellor* was of opinion, that it would be impossible to enforce residence without making the failure of it penal.

Lord *Ellenborough* observed, that when it was considered how vast a number of persons was concerned, and how various and infinite were the causes of residence and non-residence, it would hardly be possible, he apprehended, to accomplish all that might be desired, without confiding a very large discretion in the bishops.

The Duke of *Norfolk* observed, that by

the operation of the present Bill, not only was the right of property, under the law, taken away from the individual, but also what he had expended in a legal pursuit. Such a regulation, however, might be necessary, and he should not, therefore, persist to a division, though he still retained his own opinion.

The clause was then read and carried; after which the House resumed, and the Report was received.

HOUSE OF COMMONS.

Friday, May 13.

PETITION OF MR. MALLISON.] Sir Francis Burdett presented a Petition from William Henry Mallison, of Saint Michael's Alley, Cornhill; setting forth, "that it is with the highest gratification the petitioner learns a committee is appointed to investigate a mode of giving relief to shipwrecked mariners and vessels in distress, so many thousands perishing annually on the coasts of these islands, leaving their wives and children too frequently victims to want and misery; and that the petitioner having formed a plan for this laudable intention, founded on the invention the petitioner calls "The Seaman's Friend," which in June 1811 was unanimously acknowledged adequate to this great purpose by the committee then appointed by the House, he humbly presumes to request his proposed mode of giving relief to shipwrecked mariners, which will be found as simple as certain, may be investigated, in order that its merits and practicability may be ascertained."

Ordered to lie on the table.

CONVOY BILL.] The House having resolved into a committee on the Convoy Bill,

Mr. *Canning* rose to state some facts, of which he had been apprised by his constituents. Since the period at which the Admiralty had put an end to the custom of allowing single ships, properly armed, to run to and from the West Indies, it had been expected that convoys would be more frequent; on the contrary, however, their number had greatly diminished. An application had been made for a convoy from the West Indies in February last, at which period there were 150 vessels ready with cargoes, to the value of three millions sterling. They had, however, been detained, and the number of vessels was now probably increased to 400. The arrival of so many ships at one moment, was productive of great inconvenience in the market. The suggestion of some of his constituents was, that ships properly armed (that arming to be regulated by parliament) should be allowed to sail without convoy, or that the Admiralty should appoint convoys more frequently.

Mr. *Rose* deprecated the introduction of any thing into the Bill, which might give to the Americans information calculated to facilitate their privateering expeditions against our trade.

Mr. *Croker* expressed his persuasion, that the representation which had been made by his hon. friend (Mr. Canning) arose out of a misconception. Before the war with America, it had been sufficient to protect the trade in the Channel, no danger being to be apprehended in America and the West Indies. Licences, therefore, to go north about were, at that period, granted by the Admiralty, with perfect facility. On the breaking out of the American war, however, the case was changed. The American merchant-ships were almost universally converted into privateers. The seas swarmed with thousands of them. Vessels then running from Liverpool, and the other western ports, merely ran to fall into the jaws of the enemy. Feeling this, the Admiralty refused to grant licences; the only tendency of which was, the capture of the vessels to which they were granted. On the very night of the arrival of the American declaration of war, the revocation of all licences which had been granted was published in the Gazette. During half the year, it was impossible to blockade the American ports; and during the other half, the blockade was necessarily very imperfect. The only hope, therefore, of keeping the American privateers within their ports, was, to withhold from them the expectation of a prey. The Admiralty, therefore, established regular convoys; and the gentlemen interested in the West India trade having been invited to meet and make such arrangements as would suit their interest, and at the same time would not be incompatible with the public service, it was settled, that four convoys should sail annually from Spithead, and four from Cork, for the West Indies, and that they should be placed within a fortnight of one another; so that the vessels who were accidentally too late for the one, might yet contrive to catch the other. If it were asked, why the number of convoys was not greater, the answer would be, that the Admiralty (as he had before observed), not wishing to expose our commerce to any risk from the Americans, thought it wise to allow fewer convoys, but to make them all safe. Each convoy therefore equalled in force the whole American navy; the consequence of which was, that not a single merchant-ship had been taken which sailed under convoy, and that no convoy had been at all disturbed, except by weather. For this purpose, however, it became necessary to appoint for each convoy a line of battle ship, a frigate, and several sloops. Making allowance for several spare ships necessary to supply accidental deficiencies, the single service, therefore, of convoys to the West Indies required about 10 line of battle ships, 10 frigates, and from 20 to 30 sloops of war. The return of the convoys from the West Indies was equally simple and clear. They sailed at certain periods fixed by the trade. The Admiralty had wished those periods to be unalterably fixed; but the trade requesting that this might not be the case, our admiral on the West India station had orders to appoint a certain day for the sailing of the convoy, but to accelerate or retard its departure at the pleasure of the trade. It was undoubtedly true, as had been stated by his hon. friend, that one of these convoys had been detained. No letters had yet been received at the Admiralty, to account for this circumstance; but he had no doubt that when they did arrive the delay would be satisfactorily explained. As to the permission to vessels armed according to act of parliament to run, the consequence would be, that as soon as the Americans became aware of the force of those vessels, they would fit out others of larger force to intercept them. The stoutest of our merchant vessels could hardly carry more than 20 guns and 50 men. Now, many of the American privateers, it was well known, carried 24 or 26 guns and 150 men. Thus inferior, the loss of our single vessels would be almost certain. It would be better that they should not be armed at all, for they would then be better able to run away. If any particular portion of the seas were to be exempted from the operation of the Convoy Act, the only consequence would be, that the Americans would flock thither—it would be their preserve. Such a step, however, had been taken in circumstances in which it was safe to take it. Immediately on the receipt of the Convention between Great Britain and France, orders were issued to suspend the operation of the Convoy Act, in the whole of the Mediterranean. It would also be suspended in the Baltic, were it not that the trade, with a view to insurance, wished it not to be so. But for that wish, it would be suspended in the Baltic, as long as there were no American privateers in that sea. It was undeniably the interest of the Admiralty to grant licences for running ships, instead of appointing convoys, for in the latter case they incurred a responsibility, from which in the former they were exempt; but their object invariably was, to adopt such measures on the subject as were best calculated to secure the commerce of the country.

Mr. *Canning*, in reply, said, he had no doubt but the Admiralty would make the business as little onerous as possible, and therefore he would not at present further trespass on the time of the House.

Mr. Alderman *Atkins* was extremely averse from allowing the Admiralty to have the direction of the commerce of the country. Another hardship was, that the Admiralty should have power to compel the merchants to give bonds; but, with the explanation given, he would not oppose the further progress of the Bill.

Mr. *Canning* was of opinion, that if a clause was introduced to empower the Admiralty to issue a public notice of the licences to be given, and the places to which the ships were to go, it would remove many of the complaints which had been enumerated.

Mr. *Croker* said, he was afraid much danger would arise from such a regulation, as notice would thereby be given to the American cruizers, where the ships to be licensed would be bound to. He was sorry to say, that there were persons in this country, and not a few of them, who were so lost to all sense of the *amor patriæ*, and to every principle of honour and honesty, as to convey on every occasion the speediest and most correct information with respect to the destination of every ship sailing with a license, which they contrived by some means or other to find out. It was not long ago that an American privateer had received such accurate information on this head, that she lay in wait for a particular ship by name in such a latitude as to be almost certain of falling in with her by a certain day. It so happened, however, that she was taken by one of our frigates the day before; and the very next day our frigate, and the American cruiser, her prize, passed this very ship, which would have been captured by the American, had she not been antecedently deprived of the means of doing us this mischief.

Mr. *Rose* said, he had no doubt but every accommodation would be given by the Admiralty to the mercantile interests.

Mr. *Marryatt* said, licenses had been given by the Admiralty to several ships to go to Archangel; and the consequences were, that the friends of the American cruisers had so effectually exerted their abilities in giving them information, that he saw no less than 18 of them on Lloyd's books, one morning, as prizes to the American privateers. He therefore thought the licenses could not be kept too secret.

After a few words from general Gascoyne, the House was resumed, and the report ordered to be received to-morrow.

CATHOLIC BOARD.] Mr. *Knox*, seeing the right hon. Secretary for Ireland in his place, observed, that he was, no doubt, well acquainted with the late proceedings of the Catholic Board. It was his opinion, that government ought to take every step to put down an evil which excited alarm in the minds of every well wisher to the prosperity of Ireland; and he wished to know what it was the intention of government to do in this business?

Mr. *Peel* said, the subject was at present under the consideration of the executive power; but he did not feel that he could at present give any answer.

Mr. *Knox* said, a large proportion of the Protestant population of Ireland were deeply interested in this matter.

NAVY ESTIMATES.] The House having formed itself into a Committee of Supply,

Mr. *W. Dundas* rose, in pursuance of notice, to move the different estimates for the naval service of the current year. It would be unnecessary for him to enter minutely into this subject, as the estimates had been printed several weeks, and were in the hands of the members. If any gentleman, however, wished for explanation on any particular branch, he should be happy to afford it. The estimates consisted of the Ordinary, the Extraordinary, and Transport Service. The Ordinary Service was divided into three branches: 1st. Pay—2d. Half-pay. [An increase was proposed in this branch, but it was impossible yet to say to what extent.] The 3d head was, the estimate of Superannuation. The next was the Extraordinary Service; no alteration would take place in this service. With respect to the estimates of the Repairs of Ships of War, a great deal would be necessary to fit them for the ordinary; for if laid up unrepaired they would go to ruin. He next came to the head of Expences of New Works required; but the committee would not thank him to go through the details of the works now. A large sum of above 1,600,000*l.* was stated for Army Provisions, &c. He proposed a reduction of one half, that is 800,000*l.* One article, the Sick and Wounded, was considerably over-stated, but he could not yet say to what extent. It would depend on the number of those who arrived sick from foreign service. One large statement was 1,200,000*l.* for Prisoners of War. A hope would naturally be entertained of a large reduction on this head; but the accounts were kept from October one year to October next year; so that the saving would only be from the period of the release to October. The reduction would be about 260,000*l.* In December last there were voted 12 millions for Wear and Tear. A reduction was here proposed of 2 millions. The total deduction from the estimates of the current year would be between three and four millions. The House had voted 140,000 seamen. It must be gratifying to all to learn the pitch of power to which the British navy had arrived. It had never perhaps been equalled, and certainly never exceeded. It was not this or that board which had raised the navy to this ascendancy, but the liberal support of parliament and the country at large. We had a naval power equal to check the combined fleets of the world, and even capable of overwhelming them. It consisted of above 1,000 vessels. What our seamen were, the voice of Europe would tell. They had been engaged in blockade for years, a dull monotonous service, which they had borne without murmuring or repining. A grateful country must hail the return of their brave defenders. They had earned the gratitude of that country by many a toilsome, many a stormy day.

The items were then moved and agreed to in the committee.

Mr. *Tierney* inquired whether, upon the whole estimates, there was an exceeding above, or a diminution under, those of last year?

Mr. *Croker* replied, that on the Extraordinary Estimates there was a diminution of nearly 700,000*l.* as compared with the last year. In the whole, there was a reduction of nearly three millions in consequence of recent events. Under the head containing all the establishments, such as the Superannuation and Half-pay Lists, there was necessarily an increase of 60,000*l.* The head, Army Provisions, which was not a naval service, but a sum charged for the conveyance of troops, there was an augmentation of 500,000*l.* and the charge for the Transport Service was increased 700,000*l.*; but both these items would amount to nothing in future years, excepting the next, when heavy expences must be incurred for bringing home our armies from various situations.

Mr. *Lockhart* inquired, whether it was meant to make an addition to the tickets of out-pensioners at Greenwich Hospital?

Mr. *Croker* assured the House, that the largest possible allowance should be made; but he could not give a more precise answer. He stated, that the Widows' Pensions, originally established by queen Caroline, would be augmented in consequence of new regulations.

Report on the Prince Regent's Message respecting the Duke of Wellington.] Mr. *Brogden* reported from the committee of the whole House, to whom it was referred to take into consideration the Prince Regent's most gracious Message of Tuesday last, relating to the Duke of Wellington, the Resolutions which they had directed him to report to the House; and the same were read, as follow:

"1. That the annual sum of 13,000*l.* net, be granted to his Majesty out of the Consolidated Fund of Great Britain, to enable his Majesty to grant the said annuity to Field Marshal his grace the Duke of Wellington, and the heirs male of his body respectively who may succeed to the title of Duke of Wellington, in order to support the dignity of the dukedom of Wellington. 2. That it shall be lawful for the Lord High Treasurer, or the Commissioners of the Treasury in Great Britain for the time being, upon application of the said duke, or any of his successors, to advance out of the Consolidated Fund of Great Britain, in lieu of the said annuity, any sum or sums of money not exceeding in the whole the sum of 400,000*l.* for the purpose of enabling the said duke, or his successors dukes of Wellington, with the approbation of the said Lords Commissioners, to purchase lands, tenements, and hereditaments, to be settled to the use of the said duke and his successors, and to support the dignity of the dukedom of Wellington; and, from the time when such sum of 400,000*l.* or any portion thereof, may be issued, the whole of the said annuity, or part proportionate to the principal sum so issued, shall cease and determine."

Mr. *Ward*, expressing his concurrence in this grant, was anxious that it should be laid out in landed property, as the most suitable to the exalted rank of the illustrious officer who was the object of the public gratitude. He hoped, that no part of the sum would be laid out in the erection of a building; but that some domain might be found already fit for the purpose. He inquired what steps had been taken to expend the 90,000*l.* voted for the family of lord Nelson on landed property? As to the present question, he feared that if the estate to be purchased was not already provided with a mansion fit for the reception of the duke of Wellington, more than the sum now voted, 400,000*l.* would be necessary for the erection of an edifice suited to such a purpose. If he were not mistaken, even in the time of queen Anne, Blenheim had cost nearly 500,000*l.*

The *Chancellor of the Exchequer* agreed with the hon. gentleman, that the most desirable mode certainly would be to have the grant laid out in landed property. With respect to the last grant, no pains had been spared by the commissioners to find a suitable estate; but such were the difficulties they had met with, that it had been thought the family themselves had better be employed as the agents to find some proper place to be disposed of. He thought it probable, that a mansion might be got without the expence of building. It seemed to be the wish, that the present grant should be final; and therefore there would be an inconvenience in any subsequent arrangement. The hon. gentleman, however, was wrong in the amount of the expence of Blenheim House. He had always understood it cost only 200,000*l.*

Mr. *Ward* observed, that, according to his recollection, the precise sum which Sarah duchess of Marlborough stated to have been expended upon Blenheim, was 470,000*l.*

Mr. *Rose* said, it appeared from the memoirs of the duchess of Marlborough, that 100,000*l.* of the grant was expended upon it; and the family themselves paid the remainder; making altogether, he believed, 200,000*l.*

The Resolution was agreed to, and a Bill ordered accordingly.

Corn Laws.] The House, on the motion of the Chancellor of the Exchequer, resumed the further consideration of the report respecting the Corn Laws.

The *Chancellor of the Exchequer* was of opinion, that some of the Resolutions would require further deliberation; and he should wish the subject, so far as related to them, postponed; but so convinced was he of the propriety of the first Resolution, for allowing unrestrained export, that he should be unwilling to postpone it for a single day. He did not believe there ever was a country in which agriculture flourished without export. It was not probable, that any inconvenience could be ever incurred from allowing a free export; as the great probability was, that the seller would find a higher price in this country than in any other. Other countries differed very materially from this with respect to the consumption of corn. In other countries, when corn was high, there was a much less consumption; but here the price of labour rose generally in proportion to the price of bread; and the poor laws also enabled the poor to consume the same quantity, whatever the price was; as, if they were unable to purchase, the parish was obliged to provide for them. Agriculture, he contended, ought to be encouraged; and the unrestrained privilege of export was one of the most likely means for this purpose. The other Resolutions, which were more doubtful, and required more mature consideration, he would defer till a future day.

Mr. *Foster* expressed his satisfaction at the right hon. gentleman's approbation of the first part of the measure. To the second Resolution he would himself object, as not being sufficiently simple. The Irish he considered as superior to the English system; and therefore Ireland had become a corn country, and was an exporting, when England was an importing country.

Sir *H. Parnell* was also glad of the support of the right hon. gentleman; and hoped that another right hon. gentleman (Mr. Rose) would now see that the measure was neither rash nor unfounded. The export was certainly the more important branch of the measure, as we might by that, instead of an importing, become an exporting country. He had no objection to postpone the other Resolutions, provided the first was adopted. Sir Henry thanked the right hon. the Chancellor of the Exchequer, for corroborating the measure by his authority. He hoped it would be allowed, that the Resolution had not been proposed on his (sir H. Parnell's) sole authority. If the time was proper, he believed that he had very lately learned some new facts, which would enable him to maintain the accuracy of the report of last year, to the satisfaction of the House.

Mr. *Rose* was perfectly prepared to meet the hon. baronet on the subject of the Report. It was not his intention to object to the Resolution; but he would state, that his opinion was unchanged as to the mischief to which it would lead, if passed into a law. He would not press his individual opinion against the opinion of the House; but when the Bill was brought in, he should have an opportunity, on the second reading of it, to take the sense of the House on the measure.

Sir *John Newport* supported the measure. It was foretold in 1806, when the door was thrown open for export in Ireland, that it would be against that country. On the contrary, however, the agriculture of Ireland had increased every day since; and what had been found beneficial in one part of the United Kingdom could not be prejudicial to the other.

Mr. *Western* was of opinion, that the country should adhere to that system which had been so long followed with advantage. It was a question of the greatest importance, and required the maturest deliberation.

Mr. *J. P. Grant* agreed to the Resolution, as far as it went; but thought it did not go far enough. His opinion went the length of establishing that system which, by the experience of two half centuries, had made the country an exporting one; and the benefits of which were opposed to the experience of the last half century; by which it appeared, that the contrary system had made this country an importing one in the corn trade. He would not now take the sense of the House on the propriety of extending the measure, but he implored the House to turn its attention to the principle of the Resolution.

Mr. *Marryatt* was in favour of allowing the exportation of corn.

Mr. *Horner* thought, that when the House came to consider the other Resolutions, it would see the propriety of pausing, at least for some time, before it went to a decision on so very important a measure. He wished that, once for all, the House would now decide on the interest by which those were actuated who opposed the Resolutions. The real interests of the consumer and of the landlord were one and the same. But what did the committee profess to do? Why, to raise the price to the consumer.—(A Member called out No! no!)—He would ask, whether the hon. member for the Queen's county (sir H. Parnell) had not acknowledged this on a former occasion; and if the hon. member who favoured him with the interruption took pains to enquire, he would find it was so. The necessary effect of the measure was, permanently to increase the price of corn. He approved of some parts of the view which his right hon. friend the Chancellor of the Exchequer had taken of the question.

Mr. *W. Smith* agreed with his hon. friend (Mr. Horner), that the interests of the landlord and consumer were the same; and he hoped that no imputations of interested views would be cast on any members, as many ill-disposed persons without doors were inclined to be sufficiently liberal in such calumnies. There was a paper which had been circulated at Norwich, containing a most violent petition to parliament, which had been agreed on at Newcastle-upon-Tyne, and which had been presented to the House of Lords by earl Grey, and to the House of Commons by the member for Newcastle. The Petition characterized the Report of the committee as a proposition which had for its object the raising the import price of corn, and compromising the commercial interests of the country for the temporary interests of the landlords; and as "an unhallowed attempt to bring ruin and devastation on the country, to annihilate the manufactures, and force our artizans to emigrate to countries where the means of subsistence were more easily obtained." From this paper, which would be circulated throughout the country, the House would see the necessity of abstaining from all inflammatory language. The consideration of the subject should be postponed, he thought, to a time when the politics of the country, internal and external, were more settled, especially until the time when the gold circulation was restored.

Mr. *Ellison* said, that, though the House ought never to encourage such sentiments as those contained in the petition alluded to by the hon. member for Norwich, yet, when their constituents called upon them to present petitions, it was their duty to do so. But, while they gave those petitions full weight and consideration, they ought not to permit them to bias their independent judgments. If once they allowed them to have such an effect, there was an end to calm and deliberate investigation.

Mr. *Harvey* observed, that he perfectly agreed in every syllable that had fallen from his hon. colleague (Mr. W. Smith), with respect to the tendency of the paper which he had read; but he felt it his duty to exculpate the respectable inhabitants of Norwich from participating in the sentiments expressed in that production.

Mr. *W. Smith,* in explanation, said, he was far from meaning to insinuate, that the paper in question was approved of by the people of Norwich; he was well acquainted with their feelings, and he knew they were opposed to such illiberal sentiments. That paper he considered as the production of some malignant spirits, who wished to raise a clamour against the proposed measure.

Mr. *Lascelles* recommended the greatest caution and deliberation in legislating upon this important subject. It was but last year that it was asked, could any person expect to live to see corn so low as 10*s.* 6*d.* a bushel. Gentlemen had only to look to the present price, and the change that took place would sufficiently prove the necessity of proceeding with all possible care. There was one error in respect to the fluctuation of price, which he was desirous of removing. Supposing corn to sell at twelve shillings at one time, and at eight shillings subsequently, the difference of price in that case was supposed to be the difference between eight and twelve. But this was not correct, because the excess in point of quantity sold at the lower price was to be taken into consideration, and subtracted from the excess of the one price above the other. He was hostile to the principle of legislating on prices, and wished them to be left to rise or fall by their own operation.

The *Chancellor of the Exchequer* observed, that when reference was made to former times, it was to times when the population was not half what it now is. Now, the question was involved in the complication of our intercourse and interests with all the world. The first Resolution was distinctly by itself: the others would require much consideration; and the principles of them should be made known throughout the country, and examined well, before they came to legislation.

The first Resolution was agreed to, and a Bill ordered to be brought in. The farther consideration of the Report was postponed till Monday next.

APPRENTICE LAWS.] Mr. Serjeant Onslow moved the second reading of the Bill; which was warmly opposed by

Sir *Fred. Flood*, who, though a friend to liberty, disliked licentiousness. The Bill went to abrogate that most salutary law of the 5th Elizabeth, and to revive the practice which had previously existed from Edward the third's time. It would be destructive of the interests of persons who served their apprenticeships, and paid for education in their respective trades, and ruinous to the morals of youth. It would be hurtful to commerce, to mechanics, to manufactures, and to the Stamp Act. The present law had lasted 220 years. He proposed to postpone the second reading to that day six months.

Mr. *Protheroe* seconded the motion, as the Bill proceeded on no general comprehensive system; but simply on a repeal, without any efficient substitute for what was to be repealed. He objected to the measure in a moral point of view; in which respect he was upheld by the opinions of lord Coke and sir Wm. Blackstone. He had heard much of vexatious prosecutions under the Act of Elizabeth; but, on enquiry, he found that, at Bristol, for the last 20 years, there had not been one such prosecution. If apprenticeships were more encouraged, he was satisfied that combinations among journeymen would almost entirely be put an end to. If the House were to lower its attention down to the humble cottage, they would there see the advantages of this system, in beholding careful masters provided for the youths, who, in addition, were provided with food and clothing, while their morals were protected. He should be happy that the present Bill were withdrawn, and some measure unaccompanied by its disadvantages were introduced.

Mr. *Hart Davis* could not disguise from himself that the present measure was attended with many difficulties. It would undoubtedly be of great advantage to our manufacturers that the present law should be repealed, and that every restraint should be removed from the rising generation. Supposing a person to be brought up to a trade for which from his constitution he was not fit, was he to be excluded from pursuing any other pursuit, or occupation whatever? Suppose the trade of button-makers, which was a trade that speedily passed away; or of gun-makers, of whom probably 40,000 might in a few months be thrown out of employment, was it to be held that they could follow no other occupation, but must remain a burden upon the community? The more he considered the present measure, the more he was satisfied of its utility.

Mr. *Protheroe* explained, that he could wish a general review of the whole system.

Mr. *Giddy* thought, if any one measure more than another could be said to involve the general rights of mankind, the present was that measure. What was this but the general right of the inhabitants of this country, to employ the energies of their mind and body in the way they themselves pleased? And if a system were to be continued by which men were deprived of this general and undoubted right, it seemed to be incumbent on those who contended for the continuance of such a restriction to shew on what principle it was founded. If gentlemen attended to the time in which the law in question was passed, they would find that it was a period in which many ill-advised monopolies had been granted, and one in which remonstrances on that subject had been made by the House of Commons on the impolicy of such a system, which had not been much attended to. Nothing, he was convinced, had contributed so much as the law in question to check the progress in our arts and manufactures.

Sir *C. Mordaunt*, on the part of his constituents, the manufacturers of Birmingham, was strongly in favour of the present repeal. If the law, as it now stood, were put in force, it would have the effect of imposing the strongest possible fetters upon ingenuity and industry,

Mr. *Thompson* liked liberty; and doing so, he wished to see every man have the liberty of employing his hands and his genius in the best way he could for his own advantage, and for the benefit of the country. This no man was at liberty to do, so long as the present law remained in force. He wished the law totally repealed, though the Bill did not go so far. The present law was necessarily broken every day. It was clear, that the judges always wished to evade it, when they could do so. He knew a case of two men, who were prosecuted under the Act for sawing a piece of wood; another, of a good and a bad baker in the same town; where the bad one, finding that the good one had not served a regular apprenticeship, had him turned out, and got liberty to poison all his neighbours with his bad bread. Some years ago the printers struck, and there was a difficulty in getting even the parliamentary papers printed. Let those, who chose it, bind their children as apprentices; but let not others be compelled to do the same. Instances of the absurdity of the law would be innumerable. It was none the better for the age of it, which the worthy baronet had stated. It was, in fact, superannuated; and it was much the kindest way to let it die quietly, and so confer an advantage both on this country and Ireland. Lord Ellenborough once got the coach-makers out of a scrape ingeniously enough. They were attacked as wheelmakers; but his lordship said, that coaches could not have been known in Elizabeth's days, as that queen went to parliament on horseback. He perfectly agreed in the opinion which lord Mansfield had given, in speaking of the Act of Elizabeth, that "it was against the natural rights of man, and contrary to the common law rights of the land."

Mr. *Rose* considered this as a subject of extraordinary difficulty. After all that had been said, he could not help thinking that if the Bill were passed into a law, it would put an end to apprenticeships altogether; for no person would subject himself to a seven years' servitude, when he knew, that having fulfilled his indenture, he would only be on a level with a man who perhaps had not been one year at the business. He was willing to examine and improve the 5th of Elizabeth, but would not agree to this unqualified repeal.

Sir *J. Newport* was surprised that the hon. baronet (sir F. Flood) should be so anxious to perpetuate a statute which never was law in Ireland; and yet, in that country, where no such penalties as those inflicted by the 5th of Elizabeth existed, the system of apprenticeships was freely and voluntarily adopted. He thought, on every principle of justice, that the subject was entitled to make use of his abilities and industry in those pursuits most beneficial to his interests.

Sir *S. Romilly* had been applied to on the subject of the present Bill, by the constituents of two hon. gentlemen who had already delivered their sentiments on the measure this night (Messrs. Protheroe and Davis). He felt the highest respect for the gentlemen who had so applied to him on the subject of the present Bill; but his opinion of the measure being decidedly opposite to theirs, he thought he should not be acting a manly part were he either to abstain from voting on this Bill, or were he to content himself with a silent vote on this occasion. He was satisfied that there were reasons sufficiently strong to support the system of apprenticeship in those trades in which a number of years were requisite to the acquiring a knowledge of them, without the assistance of the law as it now stood. This law, which went to prohibit a man from the exercise of that trade for which he was fit, he therefore thought ought to be repealed. For what was it but to take from a poor man the only property he possessed—his genius and industry—and to drive him into a workhouse; or to force him to abandon his country, and to forsake his wife and family. These were the moral consequences which the House was to look for from a perseverance in the law as it now stood.

Alderman *Atkins* hoped that some clause might be introduced into the Bill, when it was in the committee, that would give sufficient encouragement to the apprentice system; while, at the same time, the abuses of it might be remedied.

Sir *F. Flood*, seeing the sense of the House against him, withdrew his amendment.

Mr. *Canning* wished the Bill to go into the committee. He was aware that the subject was attended with considerable difficulties. The difficulty would be to find the means of doing away the abuses complained of, without doing away the system altogether, which he was convinced was useful to the perfection of our manufacturers, and still more useful as affecting the morality of the lower orders.

Mr. Serjeant *Best* said, that if no other member introduced a clause to that effect, he himself should feel it his duty to propose one. He thought the penal clauses of the Act of Elizabeth should certainly be repealed; but that, at the same time, it was much better that young people should not be left without some controul. He thought that at present the masters had much more advantages from the services of the apprentice, than the apprentice had from the instructions of the master; as most of those trades might be learned in a very short time. He therefore wished that part of the earnings might go to the parents, as an encouragement to the system.

Mr. *P. Moore* opposed the Bill, because he thought that its enactment would operate seriously to the prejudice of our manufactures both in skill and reputation. Indeed, such had been found the effect of the partial repeal of the statute of Elizabeth with respect to the woollen manufacture. For although the Yorkshire tag had formerly been a sufficient recommendation upon the continent; yet since the repeal alluded to, our pieces of woollen-manufactures were examined yard by yard before they were purchased.

Mr. *Lockhart* expressed his opinion, that this Bill, if enacted, should only operate prospectively; that is, that it should not become effective until a certain period; so that those mechanics who had served apprenticeships upon the faith of the existing law, should not be injured by its operation, by being thrown out of employment at a period of life when they could not devote themselves to any other profession than that to which they had been reared.

Mr. *B. Shaw* deprecated the idea that morality was likely to be endangered, or our manufactures injured, by the enactment of the Bill under consideration; for Scotland, to which the Act of Elizabeth never extended, was never found in any degree inferior in morality, or skill in manufacture.

Mr. *W. Smith* observed, that he never heard of any proposition of reform which was not likely to be inconvenient to some persons; and therefore he was not surprised at the assertion, that the adoption of the Bill before the House would operate to injure the interests of particular persons. The apprehension of such injury was, however, in his judgment, unfounded. But still, those who expressed the apprehension were entitled to attention; and the objections which certain petitioners urged against this Bill, would, he had no doubt, meet all due consideration in the committee. The fact was, as to the statute of Elizabeth, that its existence served to create certain monopolies; and the effect of those monopolies was, that when the demand for an article was large, the price was enhanced to the public; while, when the demand became small, many workmen were thrown out of employment. Therefore, the repeal of that statute would tend to serve both the public and the workmen. As to the argument advanced in support of the statute of Elizabeth, merely in consequence of its antiquity, he could not admit that it had any force. He declared that his ears were quite tired of the phrase "the wisdom of our ancestors," which phrase was, in fact, calculated only to impose upon the superficial. For, after all, what did this phrase mean? The world was younger in the time of our ancestors, although they were older than us. Time, lord Bacon said, was the greatest innovator; and if, at this advanced time of the world, after all our experience, we could not improve upon the system of our ancestors, our intellects must be what would hardly be asserted, not only quite unequal to theirs, but infinitely inferior. How then could it be pretended, that the same legislative arrangement applied in the reign of Elizabeth, when the trade of the whole British empire was not equal to that of the port of London at this day, was strictly applicable at present, and suited to our improved situation?

Mr. Serjeant *Onslow* replied, and, observing upon the petitions on the table against the Bill, expressed his conviction that they were not the unsolicited acts of the petitioners; as indeed appeared from several placards about town, inviting signatures to such petitions; and those petitioners, he meant especially the journeymen mechanics, would find the repeal of the Act of Elizabeth rather materially serviceable, than in any degree injurious to their interests.

The Bill was read a second time, and ordered to be committed on Tuesday.

HOUSE OF COMMONS.

Monday, May 16.

Petition respecting the Office of Gauger in the Port of London.] A Petition of several directors of the West India Dock Company was presented and read; taking notice of the Petition of the mayor and aldermen of the city of London, praying that leave may be given to bring in a Bill for enabling his Majesty to grant to the mayor, commonalty, and citizens of London the office of gauger at the West India docks, and at all legal quays and sufferance wharfs whereon gaugeable commodities might then or thereafter be lawfully landed, within the port of London; and setting forth, that upon the opening of the West India docks, the corporation of London claimed a right to exercise the office of gauger in respect to all gaugeable commodities landed at the said docks; and the petitioners, finding by experience that great delay and inconvenience to public business arose from the interference of the officer appointed by the corporation to execute the said office, and that the right thereto could not be supported under the charter by virtue of which it was claimed, refused to admit the said right claimed by the corporation; in consequence whereof an action was, in Trinity Term 1806, brought by the corporation against the West India Dock Company, but which action has since been abandoned; and that the petitioners submit to the House, that the grant of the office of gauger to the corporation of London is not only wholly unnecessary at the West India Docks, but would be attended with great inconvenience and interruption in the dispatch of business; and that, so far from the said office being beneficial to the public, as alleged in the Petition of the corporation, the West India planters and merchants, who import the gaugeable commodities at the said docks, have called upon the petitioners to oppose the appointment of such an officer; and that the corporation of London admit by their Petition that the West India Docks are not within the limits of their ancient charter, so as to entitle them to claim the exercise of the said office of gauger there; and praying, that the House will not comply with the said Petition, and that, if the corporation have (as they alledge) sustained any loss by the formation either of the West India Docks or of the London Docks, the petitioners submit that it is a case of compensation provided for by parliament, and that the corporation ought to pursue the course and remedy pointed out by the legislature to recover what (if any thing) they may in that respect be entitled to, instead of applying to parliament to enable his Majesty to create an office that would be injurious to the public, merely for the purpose of producing emolument to the corporation; and praying that the Petition of the said mayor and commonalty may be rejected; and that the petitioners may be heard, by themselves their counsel or agents, against the same.

Ordered to be referred to the Select Committee appointed to enquire into the operation and effect of the several Acts for erecting docks and otherwise improving the port of London, so far as relates to the gauging of wine and other gaugeable commodities imported into the said port; and that the petitioners be heard, by themselves their counsel or agents, upon their Petition, if they think fit.

Erith Canal Bill.] The order of the day was moved for the second reading of this Bill.

Mr. *R. Ward* opposed the Bill; not considering the project as likely to produce the advantages that its friends held out.

Mr. *Moore* conceived the measure to be of so great importance that, if practicable, the government ought to take it wholly into its own hands. He wished the Bill, at any rate, to go into the committee, that they might have an opportunity of looking into the merits and practicability of the measure.

Sir *Joseph Yorke*, in answer to an observation that this canal was approved of by the Admiralty, said, that the approbation consisted merely in this, that they would pay toll on their vessels going through the canal, in the same manner as other ships would do. The reach, which it was proposed to cut off, was extremely bad. In a paper which had been circulated, it was said that 200,000*l.* were subscribed to this undertaking; but on enquiry at the Bill-office, he found that the subscriptions only amounted to 10,000*l.* In this case, the work could not go on.

Mr. *Calcraft* said, a number of beneficial effects were held out as likely to result from this undertaking. It had been said, that 400,000*l.* would be laid out on labour; and this would be of the utmost consequence at a time when so many disbanded soldiers would be unemployed. But the whole expence was held out to subscribers as only 310,000*l.* in all.—How then could 400,000*l.* be laid out in labour alone? But he apprehended that the making the canal would be attended with considerable danger to the river navigation; for it was likely to lower the depth of water in the river. It was impossible to dispense altogether with the river navigation; for, in frost, the canal would not be navigable, and in that case the supplies of this great metropolis might be endangered. He should move, by way of amendment, that the Bill be read a second time this day six months.

Sir *John Coxe Hippesley* read a letter signed "Melville," and dated from the Admiralty in April 1812. The letter bore, that the Board of Admiralty were satisfied that the canal was of the proper depth, and would be of considerable benefit to the naval service. With respect to subscriptions, he had to state that 240,000*l.* were already subscribed. He was nowise connected, in point of interest, with the canal; but as a member of parliament, he was convinced of its utility.

Sir *Edward Knatchbull* thought the canal, on the present plan, ought not to be proceeded in. He asserted, that 10,000*l.* subscriptions only appeared in the Bill-office.

Mr. *P. Moore* said, some gentlemen informed him, that if the 20 present subscribers withdrew, there were six persons who would advance 50,000*l.* each for this canal.

Mr. *Croker* was against the Bill. He saw no adequate advantage that could arise from it. On the contrary, it must be productive of injury to the river Thames. It would not benefit any part of the public service. It was an unfair attempt to induce subscribers to sign their names, by stating that this measure had the approbation of the lords commissioners of the Admiralty. There was no such thing; they, in fact, declared no opinion upon the subject; if it were completed in such a way as not to injure the river, the first lord of the Admiralty admitted that it might be of some advantage. The expence, however, would be very great, and the advantage very doubtful. He would therefore oppose the Bill.

Mr. Alderman *Atkins* said, there were many landholders along the course which the canal was to take that were inimical to the Bill. He did not think it could be productive of any advantage, and would therefore oppose it.

Mr. *Rose* said, he had received a great deal of information from various quarters on the subject of this canal, from which he was induced to believe that the navigation of the river Thames would be injured by it; he therefore was in favour of the amendment.

The House then divided—

For the second reading	31
For the amendment	56
Majority against the Bill	25

Elections Expence Bill.] The order of the day being read, for taking into consideration the report on the Elections Expence Bill,

Mr. *Lockhart* argued at some length against the report being received, on the ground of its tending to unsettle the common law. Should the present Bill pass, the consequence would be, that none but men of considerable property could exercise the elective franchise. The Bill was only in favour of candidates of a particular description, who stood upon the support of wealthy individuals; and did not provide that others might not do what was prohibited to the candidate. If passed into a law, the Bill would have a tendency to prevent gentlemen who were the most proper to represent the people from obtaining seats in that House: he also thought the present time, when we were about to obtain a restoration of the blessings of peace, not the most auspicious to draw the sword against the principles of the constitution. It would be better first to inquire into the state of the boroughs, before adopting such a measure as the present; many of which that were formerly open had now become close boroughs, from there being no non-resident electors; and many others would probably fall into the same state, should the Bill before the House pass into a law. Neither would the Bill prove beneficial to the candidate himself; as he would unavoidably be put to more expence by doing that clandestinely, which was now done openly and without disguise. He also wished that the word 'carriage' should be expunged from the Bill. Should the Bill be extended to counties, it would occasion the elections to have a puritanical air, as the hustings would be deserted, and the whole business of the election would be carried on in secret. He concluded by moving as an amendment, that the report be taken into further consideration that day six months.

Mr. Alderman *Smith* seconded the motion.—He never thought that this was a fit measure to bring before a British parliament. He hoped, as the Bill was of such a nature, that those who had been always loud advocates for the people's rights, would oppose it.

Mr. *Douglas* stated, that the present Bill differed from the previous regulations on the subject of elections. It had been urged against the measure, that it would be a great hardship on the elector, if forced to pay his own expences; but on the other hand, the hardship was equally great on the side of the candidate, if forced to pay them. The Treating Act referred to resident voters, and the present measure embraced the case of non-resident electors.

Lord *Milton* said, if the Bill were extended to counties, it would have the effect of disfranchising nine-tenths of the electors. How was it possible that the great bulk of the electors could proceed 60 or 70 miles to the place of election, and be absent many days from their occupations at a nearly ruinous expence of labour and time, as their industry was almost their only property? The amendment made, to extend the provisions of the Bill to counties, might have been done slily, to defeat the Bill altogether; but should the word 'counties' be omitted, he did not think that much that was exceptionable would remain. If an elector were non-resident, it must be because he thought it more for his interest to quit than to remain in the place of his nativity; and his inability to exercise his elective franchise was the result of his own voluntary act. But the case was different as to counties, as the electors were necessarily spread all over the counties, and it would be an act of injury and injustice to apply to them the provisions of the Bill. If he were in order, he should move that the word 'counties' be left out.

The *Speaker* informed the noble lord, that before his amendment could be put, the House must decide upon receiving the report.

Mr. *Lushington* said, that had the noble lord been in the House when he proposed his amendment, he would have seen that there was no intention on his part to defeat the object of the Bill. In proposing an allowance of so much a mile to voters, he wished to prevent many voters from being disfranchised. A bill had been filed in a court of justice, to recover money that had been paid by a candidate for the carriage of voters, who had afterwards voted for another candidate; and the money had been recovered. This showed, that the principle on which he proceeded was recognised in law. Being of opinion that the subject required more mature consideration, he should vote for the amendment.

Mr. *Gordon* thought that it would be advisable to introduce a clause into the Bill, by which electors within the county might be carried free of expence to the place of election. He was afraid the Bill would not do a great deal of good, but should vote for it as a basis for future plans of reform.

Mr. *Western* said, he should vote for the amendment, as he thought the subject required further consideration. The Bill went to re-enact an old law, as the statute of William was perfectly clear.

Mr. *Marryatt* thought that the distinction betwixt indemnity and bribery had not been sufficiently attended to; and that the elective franchise was virtually taken away, when the elector had no means of exercising it. Should the Bill pass, open boroughs would become close. He characterised the measure as violent, outrageous, and unconstitutional.

Mr. *C. W. Wynn* remarked on the contrariety of the reasons adduced by the opponents of the Bill; some alledging that it was an innovation, and therefore to be rejected as an evil; others, that it was merely a re-enactment of the existing statute of king William, and therefore to be rejected as unnecessary. He approved of the Bill as consonant with the spirit which pervaded the whole of the constitution of our representation; the object of which was, to exclude those who, from their poverty, were open to temptation. For what reason but that on which this Bill was founded, were those excluded in county elections from voting who had not forty shillings freeholds, and those who received parochial assistance in all cases? For what reason, but this, were persons excluded from that House, who had not freeholds to a certain amount? According to the noble lord (Milton), who had opposed this Bill, it was proper that electors should receive a compensation for their loss of time, as well as for their pecuniary expence. This he (Mr. W.) thought a manifest violation of the statute of William, and he hoped that committees would not always continue to sanction such practices. The present Bill was a measure which might be of considerable benefit, especially if coupled with one which might enact, that when a poll should be demanded in the case of a county election, there might be several places for voting, so disposed as to be sufficiently near to the habitations of the freeholders of every part in the county. Such a measure would do away with the increasing expence of elections, which threatened the purity and independence of that House. The reason why he had not proposed such a measure was, that he had not found a sufficient disposition in the House to adopt any such amendment on the existing law; some opposing reform altogether, and others thinking this not the right end to begin at.

Mr. *Rose* thought that the candidates should be allowed to furnish the voters with the means of conveyance, but not with money to defray their expences; for when money was once allowed to be paid, who should determine the exact sum?

Mr. *Lascelles* declared, that he should be equally inclined to vote against the Bill and against the Amendment; as the former would not only disqualify a number of voters, but would give an undue power to a set of persons whom he could not better describe than by calling them itinerant sheriffs.

Sir *John Newport* said, that if this Bill were suffered to proceed, he should feel it his duty to propose, that an additional oath should be taken by every member at the table of that House; to this effect, that he had not, in the obtainment of his election, given either meat, drink, or entertainment, to any voter whatever, either by himself, or through the means of any agent.

The House then divided; and Mr. Lockhart's amendment, that the Report be taken into consideration this day six months, was carried. The numbers were—

For Mr. Lockhart's motion -	82
Against it - - - - - - -	58
Majority - - - - - - -	—24

Corn Exportation Bill.] The Chancellor of the Exchequer presented a Bill to permit the exportation of corn, grain, meal, malt, and flour, from any part of the United Kingdom, without payment of duty or receiving of bounty; and moved, that it be read a first time.

Mr. *Western* asked whether this measure was merely founded on a division of the Report of the Committee into separate measures?

The *Chancellor of the Exchequer* said, it was a Bill framed in pursuance of the first Resolution; the further consideration of the other Resolutions having been postponed.

Mr. *Rose* said, he was so satisfied of the monstrous mischief with which this Bill was likely to be attended, that if he stood alone he should divide the House upon it.

Mr. *Coke* of Norfolk said, he considered the speech delivered by the right hon. gentleman (Mr. Rose) on a former night—a pamphlet, purporting to be a copy of which, he held in his hand—as rather malicious, if not seditious. (A laugh.) He sincerely lamented that the right hon. gentleman had lent himself to the dissemination of such principles as that speech contained. Among other assertions included in it, was one, that Mr. Pitt in 1804 had been most reluctantly induced to give his assent to the Corn Bill which was then passed. Although he (Mr. Coke) had invariably been the opponent of that great statesman, he felt it his duty to state, that this assertion was not correct, and the right hon. gentleman must have been aware of that fact.—(Cries of Order! Order!) If the right hon. gentleman was not aware that that which he stated was inconsistent with Mr. Pitt's sentiments, he ought to have been aware of it, from the nature of his situation. For his own part, he thought the best mode of encouraging the growth of corn, and a consequent reduction of its price, would be, to promote the agriculture of this country; and this, he was persuaded, could only be done by granting to the farmer long leases; as encouragement would then be given to enrich the land, whereby double the quantity of corn which was now produced would be grown. It was to be regretted, that a greater degree of confidence did not subsist between the land-owner and the farmer, than was at present observable; as he was convinced that such a confidence would not alone tend to their mutual interests, but to the interests of the state at large. He could not help again repeating, that he considered the speech of the right hon. gentleman as holding out ideas to the public inconsistent with truth, and at variance with the true principles of sound national policy.

Mr. *Rose* was as little inclined as the hon. gentleman himself to make assertions inconsistent with truth, and he would now throw that observation in his teeth. With respect to what he had stated of the opinion of Mr. Pitt respecting the measure of 1804, he repeated, that his statement was correct; and upon a comparison of his political life with that of the hon. gentleman, he had no hesitation in saying, that he should be found as little capable of a mis-statement as that hon. gentleman, or any other member in that House. As to the imputation of a factious or seditious feeling, he denied that any such conclusion could be drawn from any thing which he had said. He had opposed the progress of the measure then before the House, because he conceived it was improper, and because it was adopted without due consideration. The only authority which the House had to guide them was the Report of the committee of the last year; and this he was prepared to contend was no authority at all. Only three Irish gentlemen had been examined before the committee, who knew nothing of the agriculture of Great Britain; and he did not think that such data were sufficient to warrant the fundamental alterations which were proposed in the corn laws of the country. He had no wish to adopt any measure by which the interest of the grower would not be completely protected; but he thought the importer wss equally deserving of consideration; and with that feeling it was he should give every opposition in his power to the Bill which had just been introduced.

Mr. *Western* was surprised at the doctrines laid down in the pamphlet or speech of the right hon. gentleman (Mr. Rose), which he held in his hand. It had been said that it was seditious; but for his own part he did not think it was so creditable as fair, honest, and open sedition. In fact, there was nothing open and candid in it; and what he complained of was, that the right hon. gentleman had drawn unfair deductions from existing facts, and had, by an artful but unjust mode of reasoning, endeavoured to excite a popular feeling of dissatisfaction to a measure in which the true interests of the country were involved. With respect to the opinion attributed by the right hon. gentleman to Mr. Pitt, he could not help thinking, as far as his memory would serve him, that he had not fairly quoted that great statesman's sentiments on the subject; as, so far from opposing the measure of 1804, he considered that he had been its warmest friend.

Mr. *Davies Giddy* wished to submit a few observations to the House upon this important topic. It was a maxim which he believed no man would attempt to confute, that the true policy of a country was to devote its capital in that way in which the greatest return was likely to be produced, and with the surplus of that return to obtain from other countries commodities which, by the same rule, they might have to dispose of. It appeared to him, from a view of the state of this country at present, that the promotion of agricultural pursuits was of considerable moment; and perhaps there was no object more desirable than that of rendering Great Britain independent of foreign produce in that most essential article of consumption, corn. It might be said, that other countries were better calculated, from the thinness of their population, to grow corn, and to compete with us in the sale of that commodity. This was true; and when it was known that those countries had no tithes to pay, or heavy taxes to meet, it was natural that they should possess those advantages. It did not follow, however, because they could sell cheaper, that we should abandon our own agricultural interests; on the contrary, it behoved us to take steps to preserve those interests: and when we considered the advantages which we enjoyed over other countries in a political point of view, he apprehended little hesitation would be felt in contributing by a small additional expence to preserve those advantages from infringement. This feeling it was which induced him to think that the prohibitory duty which had been proposed was not sufficient to protect our agricultural pursuits from that shock which an indiscriminate permission to import grain would produce; and upon that part of the subject he could not help hoping that some amendment would be offered to the House. He did not think the measure would have the effect of ultimately reducing the price of corn; but one benefit would be derived from it; namely, it would keep the price more even and stationary than it used formerly to be; and, by that means, prevent those scarcities which sometimes bore hard on the working classes of society—while it would, on the other side, operate against a return of that extreme cheapness, the effect of which must be to put an end to agricultural enterprise.

The *Chancellor of the Exchequer* wished to remind the House, that the Bill then before them did not at all relate to the prices of grain. The Bill turned on a clear and plain principle, though much difference of opinion existed on it. To that principle (merely the propriety or impropriety of a free export), gentlemen ought to confine themselves.

Sir *M. W. Ridley* said, he did not intend to offer any observations on the measure before the House; nor would he have at all solicited their attention, if it had not been for some observations made on a former evening by the hon. gentleman below him

(Mr. W. Smith), relative to a petition which he had presented from certain inhabitants of Newcastle-upon-Tyne. When that petition was originally brought to him, he objected to the words which the hon. member had read to the House; but, from the explanation he had received, and from the respectability of the persons connected with the petition, he was convinced that no improper allusion was meant; and, therefore, he considered it a duty which he owed his constituents, to lay it before parliament. As it was ever his opinion, that nothing should be alleged, in any petition, against the motives by which the members of that House were influenced, he had written to the committee by whom the petition was drawn up, for an explanation on the subject—and, in answer, he had received a complete denial of any such intention. This, he hoped, would be sufficient to exculpate his clients from the accusation of wilfully intending to impute false motives to those gentlemen who supported the alteration in the corn laws; for which, he readily admitted, there was some ground at first.

Mr. *Ellison* hoped that from henceforth the House would enter into the discussion of this subject with calmness and deliberation; giving each other credit for those motives alone which ought to influence members of parliament.

The Bill was then read the first, and ordered to be read the second time on the 18th, and to be printed.

Corn Trade.] Mr. *Huskisson* moved the order of the day for the House taking into farther consideration the Resolutions of the Corn Committee. On the motion, "That they be now taken into consideration,"

Lord *A. Hamilton* rose and said, that, in the observations he was about to make, he had not the smallest intention of casting any reflection on those who supported the alteration in the corn laws, whom he believed to be actuated by the most pure and patriotic motives. They seemed unwilling, however, to have it supposed, that the principles which they advocated would raise the price of bread; but, when they admitted that their object was to make corn dearer, he could not conceive how they could get rid of the consequence which, in his mind, must necesarily follow; viz. an equal rise in the price of that which was manufactured from corn. Nor could he conceive upon what principle they meant to abandon, with respect to corn alone, all those great regulations which writers on political economy universally allowed to bear upon every other species of article. If the system were likely to have the effect which its supporters seemed to imagine, he certainly would not object to it. If it were to raise the price of corn, now, temporarily, and to lower it permanently hereafter, he would willingly agree to it. But this was a result which he did not expect from it; and, in fact, it appeared to him, that the subject had been stated, all along, with a view rather to the benefit of the agriculturalist, than to the general interests of the other parties concerned. He wished not to draw a line of distinction between the interests of the agriculturalist, and those of the manufacturer; but he thought it was extremely hard, after the period of distress and privation which the latter class had passed through, that the legislature, the moment the price of grain became moderate, should immediately endeavour to increase it. In his opinion, there was not a sufficient ground laid by the proposer of the measure in bringing it forward, to induce the House to adopt it. They were told, that it was a matter of expediency—that it was called for by the alteration in our currency; but, whatever opinion might be held with respect to the currency of the country, this was most evident, that an alteration in it must now take place. Therefore, he looked upon the present as the most inauspicious moment that could be selected for making any thing like a permanent alteration in the corn laws; because, that which was adduced as a main reason for making the alteration would not perhaps continue long. It was argued, that the new system would, at a very early period, produce an abundant supply of corn; and trusting to this contingency, they were no longer to look for any assistance, though at a cheaper rate, from abroad; they were called upon to consider, as false and erroneous, the usual principle of going to that place where we were most likely to purchase a commodity cheapest. But, could it be supposed, when we considered the immense number of persons taken from agricultural pursuits to become manufacturers, that a sufficient supply of corn for our home consumption could be grown in this country? He was of opinion that it was impossible. He was ready to acknowledge, that the principle of admitting a free exportation might produce a greater quantity of grain; but the restrictions on importation would tend to keep up the price, and to pinch those who were most particularly affected by dearness of provisions. If the promoters of this measure were consistent with themselves, they would not be contented with a free exportation, and a restriction on importation, unless accompanied by a specific law to protect the farmer in the home growth. But, he supposed, the system now would be, every time grain grew cheap, to take fresh measures to raise it in price. Now, he would ask, was it right for that House, from time to time, to undertake, by a legislative enactment, to settle the price of grain?—The measure was so extremely noxious, that he felt himself called upon to oppose it altogether. Ireland was selected as a proof of the excellence of this system. She, it was said, had become an exporting country, ever since she had been left at liberty to dispose of her grain abroad. But this was a most unfortunate instance; because the grain exported from Ireland was not a superflux, remaining after supplying her whole population. It was well known, that wheat was not the food of the great body of the people of that country; therefore, no fair similarity, on that point, could be traced between England and Ireland. His lordship concluded by moving, "That the further consideration of the Resolutions be postponed till this day three months."

Sir *G. Clerke* observed, that it was admitted, both by the noble lord who moved the amendment, and by a right hon. gentleman (Mr. Rose), who, on a former night, had opposed the Resolutions, that, to obtain a supply of corn for our manufacturers, without having recourse to any foreign country, was a matter of great consequence. The question was, whether it could be obtained without making sacrifices of greater magnitude? In his opinion, by giving a proper support to the agricultural interests of the country, a proper supply of grain could be procured at home, without rendering the price incompatible with the means of the lowest labourer, at the present rate of wages. The noble lord stated, as a reason for not agreeing with the report, that it contained propositions inconsistent with each other. That it proposed to benefit the agriculturalist by raising the price of corn, and to add to the comfort of the manufacturer by diminishing it; and, as these objects appeared inconsistent with each other, therefore the Report was unworthy of attention. Now, the fact was, that the framers of that Report had no intention, permanently, to increase the price of grain. Another error pervaded the whole of the noble lord's speech, who seemed to think we never could become an exporting country; but he was convinced, that a very little stimulus to agricultural energy, by keeping grain at its present price, would secure a sufficient supply both for our own population and for exportation. He was sure if corn were sold at 80*s.* per quarter (the rate which would give sufficient encouragement to the grower), a quantity of wheat corn, adequate to the supply of the country, would be raised; but if the price were lowered, much of the land at present occupied by grain would be appropriated to pasture.

Mr. *Western** rose and said:

I am desirous, Sir, of making some ob-

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* From the original edition, printed for Budd and Calkin, Pall-mall; with the following Address to the Reader:

It must be obvious to the reader, that in the speech reported in the foregoing pages, a variety of important considerations are not adverted to, and there are one or two on which I am desirous of making some cursory remarks. In the first place, I wish to direct the attention of the manufacturing class of the community to the great advantage of the home market. They must see, upon reflection, to what an enormous extent the home demand for their goods exceeds the foreign; and it must therefore be obvious how essential to them is the prosperity of our agricultural population, creating, as they do, so large a share of the home demand. It is said, if we take corn from foreigners, they will receive our manufactures: suppose we take a million of quarters, and they receive three millions of money for it; or, instead of money, consent to take the value in manufactures, it certainly appears that we should receive an equivalent in one sense; but I think I have made it evident, that the million supplied by foreigners could be furnished by our own agriculturalists, who would thereby, to that amount, become better customers than they are at present. The quantity of custom, or sale of manufactures, would be the same, with the advanservations on the question now before the House; and in so doing, shall apply myself generally to a consideration of the principle of the measure. I beg leave in the first place to declare, that in the view I have taken of this subject, I have never regarded, for one moment, the interests of the grower of corn distinct from that of

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tage of being derived from a certain home market, instead of a precarious foreign market.

It is sometimes said, there would be no danger in opening our ports to foreign corn; I am far from thinking a flood would come in that would overwhelm us at once; but it can hardly be doubted that foreigners can undersell our farmers, and would gradually gain upon them the possession of the markets to a dangerous extent. The superiority of their soil and climate, with taxes and burthens of all kinds so much lighter, must give them a most preponderating advantage; so that the idea of leaving the British and foreign grower to find their own level, appears to me like throwing two persons into the water, the one in the full possession of all his natural powers, the other with a millstone round his neck. This does not militate against the argument before urged, that when the foreign supply has run to its limit, the price would again rise to such a degree as would give a profit to capital and industry devoted to agriculture, equal to that applied to other manufactures.*

There is one other point of view in which I wish to represent the possible, if not probable, consequences of a reliance upon foreign countries. I will take it for granted, that we should receive five millions of quarters of grain from them, and grow only thirty of our own: let us suppose, under such circumstances, what is not at all unlikely, a bad season throughout Europe, and the general crop defective one fourth.† Those countries, from whence we have been accustomed to draw these five millions, will, of course, want it, and, without being at war with us, will keep it for their own necessities.‡ In addition to this loss, there will be the difference between a reduction of one fourth of thirty and of thirty-five; leaving us only 22,500,000 quarters, instead of 25,350,000. Then comes the further injury to our manufacturers in another way, in as much as they will lose the foreign demand for their goods; and I should think the home demand would be diminished nearly in the proportion of 22,500,000 to 25,350,000, being the difference of quantity of corn our agricultural population would have for market. And here it may not be amiss to consider the two-fold power foreign countries would have over us, in the case of an extensive exchange of corn for manufactures, the one being of so much more importance than the other. The suspension of intercourse would not only be much less injurious to them, but the immediate consequence would be to give additional food to their people, and encouragement to their manufactures—to us universal distress, and absolute ruin to thousands of manufacturers. Let them recollect the injury they have suffered by the interruption of the foreign market for their goods, and compare it with a small difference in the value of corn. It is infinitely desirable they should be induced to see that their prosperity is deeply involved in, and indeed dependent upon, the prosperity of our agriculture; and that it is as much their interest to admit, as it is that of the agriculturalists to require such a difference of price, as would for a time result from an effectual check (I do not mean absolute prohibition) to the further introduction of foreign grain; they would in consequence have it cheaper upon an average of years. It is indeed their especial interest to cast the consumer. I believe that they are inseparable. It is the practice indeed to talk of the interests of the grower and consumer as disunited, and even opposed to each other, but the fact is quite otherwise. The consumers form the market for the grower, and their number, wealth, and ability to purchase, constitute the value and extent of the market; and it is only the successful and prosperous condition of the grower can insure an adequate supply to the consumer. In the discussion of the proposition now submitted to the House, I shall endeavour to confine myself to the consideration of the probability it affords of providing an abundant supply of food to the inhabitants of this country: for the accomplishment of this purpose, I apprehend we are about to legislate. But, Sir, we must not forget, that the measures we have now before us are confined to the

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* If the visionary project of a perfect free trade could be realized, it is undoubtedly true, that corn might be had so much the cheaper, in proportion as the aggregate supply might be drawn from the most productive lands: but then, as population increased, recourse must again be had to those of inferior quality.

† As far as our supplies may be drawn from America, the danger of a season applying generally to all the countries from whence our supplies came, is certainly less.

‡ Upon an average of some years prior to 1765, we annually exported about 600,000 quarters of grain; in 1764 the price of wheat was 30*s.* 7*d.*; in the five years, ending 1769, it was 43*s.* 2*d.*; and this was considered such an advance of price, that in each of these years the export was prohibited, and of course foreign countries deprived of the whole of the supply they had usually received.

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their views forward; for it is to be presumed they are more able now, from their superior capital and machinery, to undersell foreign manufacturers, than they may be some time hence. They must expect that the struggle of rival nations, possessing great industry, taste, and ingenuity, will become more powerful after a short period of tranquillity; and then, when they would most stand in need of a cheap supply of food, they would find how much they had sacrificed to a temporary delusive advantage, and what an increase of price, as well as other evils, would eventually result from the depression of our agriculture at this time.

The following estimate of the growth of wheat, barley, and oats, in the united empire, is drawn out by Arthur Young, esq. I have formed mine on the same principles; but estimating the produce of wheat at only twenty bushels per acre, and considering the growth of the other grains not to come so often in the general course of husbandry, I find a lower result, but am far from positive that mine is the most accurate. It will be obvious, the larger proportion of our consumption drawn from our own agriculture, the greater the evils resulting from its depression.

Population of Great Britain 12,596,803

Population of England and Wales 10,791,115, whose consumption may thus be calculated:

	Qrs.
Wheat, with some Rye	8,500,000
Barley	831,666
Oats	668,333
	9,999,999
Wheat as above	8,500,000
Consumed, not in bread......	100,000
	8,600,000
Deduct balance of export and import on the average of 1811 and 1812	187,162
	8,412,838
Add for seed one-ninth	934,759
Annual growth	9,347,597

If the produce be 22 bushels per acre, the acres employed will be 3,399,126; and taking wheat at one-fifth of the arable, and barley and oats as occupying half as much land again as wheat, the acres of those grains will be 5,098,686 acres; and the produce at 4½ quarter per acre will be 22,944,100; and the total of white corn will be 32,291,697 quarters: if we allow proportionably for the population of Scotland, it will add 5,401,283.

As oats are much consumed in Scotland, and the amount in quarters much exceeding the consumption in wheat per head, this seems to be a moderate allowance.

Total consumption of Great Britain, 37,692,980 quarters.

In regard to Ireland, the authorities referred to by Mr. Wakefield will not allow us to suppose a greater population than that of five millions; and it is well known that the great basis of their support is the potatoe: we must however remember, that all the higher classes, with a large proportion of the inhabitants of towns, as well as counties in the north of that kingdom, are supported on corn. If all these circumstances permit us to estimate them as equal to the entire nourishment of 1 million of persons, and allow to each (as their consumption is both of wheat and oats, but the latter in the far greatest proportion) 18 bushels,* the total will be 3,375,000 quarters; and the grand total for the United Kingdom will be 41,067,980 quarters.

* Smith calculates the consumption of oats at 23 bushels per head per annum—Tracts on the Corn Trade, p. 161.

regulation of the foreign trade, and supply of foreign corn; and it is of course essential to consider what proportion that supply has hitherto borne, or is likely to bear, to the total demand and consumption of the united empire.

I know, Sir, it is very difficult to form an accurate estimate on such a subject. I have endeavoured to obtain one out of all the different materials we at present possess for this purpose; and my result will, I think, be allowed to be fair and tolerably correct, or at least that it takes the proportion of our own produce as low as it can be placed. The consumption of wheat, barley, and oats, in Great Britain and Ireland, I estimate at 35 millions of quarters. The import of all sorts of grain, on an average of the last ten years, is known to be about one million: of course the native growth is to the importation as thirty-four to one.

It is necessary to have this proportion in our contemplation, that we may see how speedily any diminution of our own agriculture would reduce the aggregate supply.

The regulation of the foreign trade has generally been subject, as it now is, to a great diversity of opinion. Some gentlemen think it safer to prohibit the importation of foreign corn, and to rely upon the steady exertions of our own farmers; others contend, the importation should be stopped at what is called the medium price; and there are those who maintain that the importation and exportation of corn should be perfectly free, and liable to no restriction whatever.

It is impossible to doubt for a moment, that if an entire freedom of trade could be established throughout the world, it would be decidedly for the advantage of mankind in general. There is not a dissentient voice upon this subject; at the same time, no hope or expectation can reasonably be entertained that such an event will ever come to pass. It is impossible in the present state of the different countries of Europe and the world, or in any probable state which the most sanguine person can look forward to, that such relations of concord and amity can ever be established amongst nations, as shall secure an uninterrupted freedom of trade. But it is said, though we cannot look forward to the freedom of trade generally, it would be better, as far as lies in our power, to have a free trade of corn, to permit a free export constantly, and to open our markets at all times to the admission of foreign growth. The question is, whether such a system would give us, in a course of years, a more abundant, more steady, and cheaper supply? I am convinced it would not. But let us examine what the effects of such a measure would be. If the superior fertility of foreign soils, or other circumstances, should enable the foreign grower to pay the freight, and undersell the British farmer, the first consequence certainly would be, that British agriculture must give way to the extent of the increased supply of foreign corn. The more steril lands of this empire would be thrown out of tillage, the capital therein employed would seek more productive channels, the proportion of foreign supply would increase, and our own produce diminish; our present import of one million would arrive perhaps at five millions, and our own growth would be reduced from 34 to 30: if we could draw still more copiously from foreign countries, the relative proportion of our own produce would of course be still farther altered. But I presume there is nobody who does not admit that there must be a limit to the quantum of foreign supply. It cannot be supposed for an instant, that we can draw our entire subsistence in corn from foreign countries; there must be some limit: then, I say, when we have arrived at that limit, we shall be exactly in the same situation in which we are now, except that we shall have five millions of quarters of foreign corn (supposing that to be the limit) instead of one, and thirty of our own instead of thirty-four. When this is done, what can prevent the price rising to the same level it would naturally reach, if no such change had taken place? I put out of the question here the manifest objections to so great a reliance upon foreign, and perhaps hostile countries, and view the argument as if divested of all these considerations.

I presume it will be on all hands admitted, that neither corn nor any other article can long continue to be produced in any country, at a rate of profit lower than that which is derived from other trades and manufactures. If the trade of the farmer, or any other trade, ceases to be profitable, in that proportion the capital of the persons employed in it will by degrees seek other channels, and their industry will be turned to more advantageous employments. By these means, the quantity of the article to be produced will diminish, till the demand operating upon a reduced supply shall restore the price to a level that shall again place the manufacturers of that article upon a footing with others: during the period of this reduction they will be obliged, no doubt, to sell at a loss, but they will relieve themselves as quickly as possible from this situation. In the present state of the agriculture of this country, if we allow the ports to be open to foreign corn, and if we can draw large quantities from thence at a cheaper rate than we grow it, the operation I have just described must take place; and during the period of the consequent declension of our own agriculture, the price may be lowered beyond that, which shall give the farmers an adequate profit: when we have arrived at the limits of the foreign supply, then the price of the whole must return to the level which shall give them a profit equal to that of other British manufacturers. I am now looking at the question without considering the possibility of any interruption to the foreign trade; and yet it does appear to me certain, that viewing the measure of free import even under these most favourable, but most improbable circumstances, the consumer would in the event be miserably disappointed in his expectation of finding a cheaper or more abundant supply.

I come now, Sir, to a consideration of those laws which have hitherto been enacted for the regulation of the trade with foreign countries; they have been, as we all know, very different in their effects; at the same time, there has been a uniform similarity in one respect, inasmuch as they have always subjected the export and import of grain to restrictions or encouragements dependent upon the market price. For instance, by the Act of 1791 wheat was exportable on bounty till it reached 44*s.* per quarter; at 46*s.* the export was stopped; at 50*s.* foreign corn might be imported on a duty of 2*s.* 6*d.*; at 54*s.* it might come in duty free.

It is obvious, that the scale upon which the regulating prices are taken, must decide the efficacy and consequences of such a measure; and it is well known, that so differently has that scale been fixed at different periods of the history of our corn laws, that their effects have been diametrically opposite. In one period it has operated nearly to the exclusion of foreign corn; at another, it has given the benefit of the British markets, almost without interruption, to the agriculture of foreign countries. These periods may be computed, first from our earliest information up to the Act of the 22d of Charles the 2d, in the year 1670, thence to the 13th of George the 3rd, 1773, and from thence to the present time.

During the first of these periods the prevailing character of the laws was to encourage importation and prohibit exportation; and during that time the nation experienced a great and distressing fluctuation of prices, and a painful dependence on foreign supply.

The Act of 1670, on the contrary, subjected the importation of foreign corn to such duties as virtually amounted to prohibition; and this was followed by the Act of the 1st of king William, by which every encouragement was given to the exportation of our own produce. This system was continued to the year 1773, and was certainly most successful in the extension of our agriculture, and in producing a plentiful supply of corn at a steady low price. To this system, Sir, I am anxious to return, and to accomplish it we must form our regulating scale, as near as we can, upon the proportions at that time adopted; and the degree of approximation recommended by the committee of last session, is that to which I adhere, as the proper measure for the purpose.

An idea very generally prevails, that, in fixing the import, we are in truth settling the lowest market price of corn; a more unfounded and erroneous opinion cannot well exist. It seems, however, to be deeply rooted in the minds of the people, and probably has originated from the circumstance of the market price having very seldom been below the import price since the commencement of our present system of corn laws, which I date from the Act of 1773. The causes of this I shall now proceed to explain, by tracing their several enactments, and the events that followed; and in so doing I shall at the same time shew, in a great measure, the inefficacy of the principles on which they were formed.

This Act of 1773 allowed of the importation of corn from all parts of the world, when the price of British wheat rose to 48*s.* a quarter, and other grain in proportion. Now, it is to be observed, that the average price of the preceding ten years was 45*s.* 6*d.* consequently the least deficiency of supply, or diminution of the value of money, which has certainly been progressive since that time, would necessarily make the market price equal to, or above the import price. This Act, whilst it subverted at one blow a system eminently beneficial, established on the experience of a century, exhibited in its own enactments the most impracticable ideas, and most futile and absurd projects. The Act of the 22d Charles the 2d continuing in force till 1773, fixed the import price of wheat at *53s. 4d.* a quarter, subject also to a duty of *8s.* together *61s. 4d.* The Act of the 1st of king William gave a bounty of *5s.* upon the export of British wheat when the price was at or under *48s.* a quarter; and these two Acts combined formed the system of laws under which the trade was governed till the period I am now speaking of. Now this Act of 1773 absolutely converted the export bounty price into the import duty-free price, so that a more complete and utter subversion of a code of laws could not by any possible means be effected. The expectations which appear to have been formed by the authors of this Act are demonstrable by its provisions, and are certainly very extraordinary. By its different enactments, when wheat was under *44s.* it was exportable with a bounty of *5s.*; when above *44s.* the exportation of it was altogether prohibited, under a severe penalty; and when the price rose to *48s.* foreign corn was admissible from all parts of the world duty-free; so that they really seem to have entertained the idea of keeping the price of corn within the limits of *44s.* and *48s.* The same opinions seem to have prevailed in the year 1791, as the provisions of that Act were nearly similar. The average price of corn of the ten years preceding 1791 was *51s.* and the import price was fixed at *52s. 6d.*; including a duty of *2s. 6d.* it was exportable on bounty under *44s.*—export allowed, without bounty, under *46s.*—prohibited above *46s.* Here again it is obvious from the same causes; the market price, differing at the time so little from the import price, would soon be equal to or exceed it.

We come next to the Act of 1804, which, under the direction of a committee, I had the honour of introducing into the House. That Act carried the import price, including duty, to *65s. 6d.*; the export bounty price to *48s.*; permission of export without bounty to *54s.* The average price of the 10 years preceding, inclusive of the scarce years of 1800 and 1801, was *70s.*; exclusive of those two years, *60s.*; so that upon the calculation of ordinary years, the average market price was only *5s. 6d.* under the duty-free import price. Upon a review of all these cases, it is therefore apparent, that at the time of passing these several laws the market and import prices were nearly at par; and events, too obvious to be noticed, have constantly occurred to annihilate that minute difference, and generally to render the former much higher than the latter.

The Committee of 1804 in general thought at the time, that the measure recommended by them to the House would not afford sufficient confidence and encouragement to the British farmer; but were induced to give way to the opposition they had to encounter. And here I will take the liberty of stating more fully what I have before asserted, that Mr. Pitt, who was then at the head of the administration, gave to this measure his most decided and cordial support. I was certainly surprised to find, in the pamphlet of the right hon. gentleman (Mr. Rose) the declaration of an opinion directly at variance with this assertion. The right hon. gentleman says, in that publication, "he knows Mr. Pitt was prevailed upon reluctantly to give his assent to concur in the regulating prices enacted in 1804." The right hon. gentleman must, I think, be mistaken; for I still entertain a most perfect conviction, that Mr. Pitt not only cordially assented to those prices, but wished to have carried them considerably higher. I have a clear recollection of what passed at our first interview with him upon the subject. We presented to him our plan, remarking at the same time, that the measure probably would be strenuously contested, that much clamour was already excited, and that to obviate it we had adopted the lowest possible scale. He said, it appeared to him so low, that he thought it might prevent the threatened opposition; the only doubt he entertained was of its efficacy. I also feel persuaded that he expressed hopes we should be able, by degrees, in subsequent sessions of the legislature, to carry further the principle of protection and encouragement to the agriculture of our own country. When the Bill got into the House of Lords, an alteration was made in the calculation of the duties; in consequence of which, when it came back to this House, it was rejected. Mr. Pitt directed a message to be sent to me, informing me of the circumstance, and desiring I would come to town, which I immediately did. It was then the middle of July; he told me he had hoped the prorogation of parliament would have taken place before that time, but would advise the delay of a week or ten days, in order that a new Bill might be introduced, which I accordingly moved the same evening; and which, after some opposition, passed into a law. I mention these circumstances to enable the House to form a judgment of the real sentiments of Mr. Pitt, independent of the mere recollection of myself or any other person, which certainly may be erroneous.

From the period of the passing of this Act, which, it is curious to observe, has in no one instance impeded the importation of foreign grain, the average price of wheat has been nearly 100*s.* a quarter: in 1812 and 1813, it was above 120*s.* almost double the import price of the Act; so that if there are those who persist in supposing the import price must necessarily be the lowest, they certainly cannot flatter themselves with the hope that it will invariably be the highest; the experience of the last fifty years has fully shewn that such an expectation would be vain indeed; and the history of the century prior to 1773 will equally prove, how opposite to truth the assumption is, that the market price never can be lower than that at which the importation of foreign corn is prohibited.

In reverting to that period, it will be recollected, that the import price, including the duty, was 61*s.* It so continued above a century, and yet, during the whole of that time, the average market price was not quite 40*s.*—This example is of itself decisive. But the case is stronger yet: for by the Act of William, British corn was forced out of the country, by a bounty of 5*s.* a quarter, till the price exceeded 48*s.* and during the full operation of this law, and the Act of Charles 2, combined, the price of wheat, for 68 years, was only 33*s.* 6*d.**

It is well known indeed, that under the operation of these laws, British agriculture flourished beyond all former example; that from being considerably indebted to foreign countries, we not only became quite independent, but acquired a large surplus, and a beneficial export trade. The price was also steady, and on an average comparatively lower than it had ever been before, or has been since. If these facts will not eradicate the opinion, that in fixing the import, we are fixing the lowest market price, I am at a loss to know what arguments can have any avail.

There are persons who will say, perhaps, that all these events have followed from other causes; but it must be observed, that the system established by these Acts of Charles 2 and William, was of a most decisive character; it amounted in effect to an absolute prohibition of foreign corn;† and it gave such encouragement to exportation, as never was before attempted in any other country in the world. It must be remembered also, that

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* In the first thirty years of this period the excess of our exports was on an average 345,392 quarters, and the average market price was 36*s.* 6*d.*; in the last thirty years the excess of exports was 642,182 quarters, and the price only 30*s.*

† A Table shewing the average Prices of Middling Wheat per Statute Quarter; the average Excess of the Exports of every sort of Corn, Flour, and Meal; the average Imports of the same, from 1697 to 1764, both inclusive.

PERIODS.	The Price of Wheat per Statute Quarter.		The Excess of Exports.	The Excess of Imports.
ending	*s.*	*d.*	Qrs.	
5 years ... 1701	42	8	139,866	
6 ditto......1707	25	11	289,304	
4 ditto......1711	49	9	299,367	
4 ditto......1715	37	8	453,986	
4 ditto......1719	33	1	485,852	
5 ditto......1724	28	10	532,732	
5 ditto......1729	37	7	216,643	
5 ditto......1734	25	9	468,844	
5 ditto......1739	30	10	597,462	
5 ditto......1744	28	7	446,378	
5 ditto......1749	27	9	932,593	
5 ditto......1754	30	5	1,080,077	
5 ditto......1759	36	2	273,805	
5 ditto..... 1764	30	7	696,117	
	465	7		
Average......	33	3		
ending	*s.*	*d.*	Qrs.	Qrs.
5 years ... 1769	43	2	....	223,184
ditto......1774	47	9½	....	276,206
ditto......1779	40	9	....	290,595
ditto......1784	45	9½	....	185,906
ditto......1789	43	3	....	198,716
ditto......1794	47	2	....	1,145,584
	267	11		
Average Price per Quarter	44	7		

previous to the adoption of this policy, we had been dependent upon foreign countries, as we have been since its abandonment. If the system had been less operative, its effects might have been attributable to other causes; but so powerful, and so effectual as those laws were, it seems impossible to doubt they must have occasioned the consequences which followed upon them, and which they were intended to produce.

But, Sir, the beneficial effects which resulted from that system are equally deducible, from a consideration of the principle on which it was founded; one simple proposition, the truth of which cannot be disputed, formed the basis of the plan; I mean, that undoubted axiom, that self-interest is the source of all production; that neither corn nor any thing else can be procured, but by the operation of that active principle working upon the mind of the producer; and that the more scope is given to it, the more effectually will the public be served. Nothing more strikingly exemplifies this position, than the regular and nicely-measured supply of food to the population of this vast metropolis: the uninterrupted operation of selfish motives alone miraculously accomplishes this great work; it is the certainty of market, and an adequate reward, which attracts to this capital every thing which its inhabitants require. The same principle, of course, is applicable to the provision of food for our entire population. The corn laws, matured and settled at the Revolution, were obviously founded upon it; they inspired with full confidence of uninterrupted reward the British growers of corn; they held out to them the possession of the home market, and taught them to look to all the other markets of the world; in short, the system was calculated, by offering boundless prospects to their view, to produce that ardent competition, which will always produce an ample supply of any article we are desirous to have in abundance.

I know it will be said, this is all very true, and why not let the same principle operate upon foreigners as well as upon British subjects? The obvious answer is, because they are foreigners; and the fruit of their industry is subject to direction over which we have no controul. If the character of mankind could be altered, and if those passions, which have hitherto involved nations in continual hostility, could altogether subside, and just views of policy invariably prevail, then indeed the case would appear in a different light; but till then it would be the height of folly to allow ourselves to be dependent upon foreign countries for any considerable proportion of that which is necessary to our existence. In the article of food, an uninterrupted intercourse is less likely to be established than in any other; the prejudices of men so powerfully operate against it, that it is only in modern times the entire freedom of the corn trade has been fully accomplished within our own dominions.

The present system of our corn laws is founded upon a notion, that we can at any time derive assistance from foreign countries; and not only that, but that we can command it exactly to the extent we think is desirable, and at the moment we fancy it is necessary. In order to do this, we go to work to find out what is called a fair average price for the British grower in ordinary seasons, and the moment that is exceeded our ports are immediately thrown open. Now, if we were even to suppose that foreigners enjoyed an uninterrupted liberty of free export, it would still be absurd to believe they would always have a surplus ready for the supply of an uncertain demand. They are not more likely to have a constant surplus than we are, unless they have a constant demand for it. We may indeed extract a portion of their food, by the temptation of high price; and if our average demand for a given number of years produces a constant market for them to a given extent, they will soon have that quantity in ordinary years to spare; but, beyond that, they will have no surplus, and even that average supply is always liable to be withheld. In the mean time, what is the effect of this fallacious system upon our own agriculture? This uncertainty of market, it must be recollected, operates upon those who must ever provide the bulk of our aggregate consumption; it damps their spirits, checks their exertions, and teaches them to confine their produce rather within the limits of the necessary supply. If then a succession of different seasons at any time occurs, which experience instructs us to expect, we find ourselves unprovided for the occasion, no foreign supplies can be extracted but through the operation of high price, and the nation becomes exposed to great distress and danger. In a short time our agriculture, which before had languished from the causes I have just mentioned, begins to feel the influence of an eager demand, the market price rises rapidly, and the growers of corn for a time experience great profits. In spite of the discouraging nature of the laws, unusual gains excite unusual exertions, and in the course of a few years the aggregate produce of the kingdom is largely increased. Profits now again decline, and thus an alternate succession of periods follow each other; in one of which the farmer gains more than an adequate profit, in another less. I know very well the difference of seasons must, under all circumstances, render uncertain the produce, as well as profits of agriculture. But it is this very uncertainty we should endeavour to guard against; and indisputably that country which has the largest surplus produce will suffer least from this inevitable variation of seasons. The only way to grow a surplus in ordinary years is to promote a demand, beyond our actual necessities, for the food of our own population; and this is effected by bounties on exportation, and still more by an extended home consumption of grain. The breweries, the distilleries, and the quantity used by horses, fortunately occasion in this country a great extra demand; and the consequent increased production essentially adds to our means and resources in time of need. Few countries suffer much in ordinary years; the great object should be, to make provision against the incalculable evils of a real scarcity.

We have very recently experienced that vicissitude of events which I have endeavoured to describe, and happily for us the period last past has been that of high prices and large profits, and we are in possession of the plenty which they have occasioned. It is true the last crop was unusually and universally productive, but the abundance we at present possess is greatly attributable to the extended and improved tillage of every part of the united empire. In the last eight or ten years, in consequence of causes too powerful to be counteracted by the baneful tendency of the laws, our agriculture has advanced with rapid strides, larger capitals have been devoted to it than formerly, and the science as well as practice has greatly improved.

This is the time then to secure the advantages we have thus painfully acquired; the sacrifice to accomplish it will be trivial, and will be most amply repaid. It is impossible, indeed, we can continue long to enjoy the full amount of our own extended and improved agriculture, and receive large foreign supplies into the bargain. Such an idea would certainly be most preposterous; and if we were to endeavour to act upon it, we should have sufficient reason in a very few years deeply to regret our folly. The path we ought to pursue is plain before us; we should revert to the policy of the Revolution laws, we should give to our farmers that confidence which they inspired, and thus again throw off all dependence upon foreign countries.

I am much afraid the character of the plan now under consideration is too indecisive to accomplish this great object; it resembles too nearly the measure of 1773, and every subsequent act of the legislature; it affords no certainty of market to the British grower, and no security against an influx of foreign corn. He certainly will not continue his late exertions under the influence of the regulations we are now contemplating. The application of capital to agriculture is already checked; and if the profits become inadequate, and the markets doubtful, the produce will again diminish with a rapidity much exceeding the comprehension or belief of those who have no practical knowledge of the subject. The first consequence of such a state of things is, to put a stop to all those essential improvements which require any considerable expence; the next is to convert a spirited and liberal practice into a saving and parsimonious system of farming; and the difference of produce between the one and the other is immense. There are amongst farmers, as amongst other persons, some more enterprizing than others; one class get money by saving, the other by freely embarking their capital, in the expectation of proportionate returns. It may be doubtful which in the end put the most money into their own pockets; but such is the obvious effect of capital applied to the growth of corn, as well as to all other manufactures, that nobody can doubt which are the best farmers for the public. It may be said, that at all times it must be the real interest of the farmers to grow as much corn as they can; but, upon a moment's reflection, it will be seen that that can never be true, as persisting by unrequited expences to overstock the market must even accelerate their own destruction. Some few of the more opulent and adventurous may, for a time, pursue the same liberal system, expecting a speedy return of pressing demand; but they will in general have recourse to a reduction of expenditure in every possible way. If they still continue to feel the loss of adequate returns for their capital and industry, they will give up a portion of their land to pasture; those who can withdraw their capital will do so, and others will be ruined. Such is the course we shall most unavoidably go through, in proportion as we weaken the confidence and exertions of the British farmers, and increase our dependence upon foreign countries.

I will now notice some observations, or rather misrepresentations, of the Report of the Committee; it is said, they at one and the same time, profess to have high prices for their object, and yet to make corn cheap; I deny that high prices either are their object, or so stated in the Report; and if fairly considered, their reasoning on the subject is perfectly consistent and correct. They say that high prices, or in other words, great profits will, in the nature of things, produce extraordinary exertions; that profits at one time inadequate, at another excessive, are not so good for the farmer as sufficient and steady profits; and that steady and sufficient profits will not only produce a sufficient supply, but upon the whole at a cheaper rate than can be procured by any attempt to press down the farmer's gains below that which capital and industry employed in other manufactures can command. In looking at the prices of wheat for the last twenty years, we shall find that they have fluctuated from 42*s.* to 125*s.* a quarter; the average of the whole is about 79*s.* Now, I think it is quite obvious, that an average price in itself much lower, if not compounded of such violent extremes, would have been considerably better for the farmer; and that the consumer would have benefitted, there can be no possible doubt.

There is an opinion, I believe, entertained by some people, that this kingdom is incapable of growing corn enough for the consumption of its inhabitants, and they are therefore very naturally apprehensive of checking the importation of foreign supplies. Such an idea to me appears very extraordinary, as I have no conception of any deficiency of means to provide amply for double our present population: indeed, as to all practical purposes, I can see no limit to our possible production but the limit of demand. Let those who entertain such fears carry their views for a moment over the extent and situation of the united empire of Great Britain and Ireland, over the millions of acres yet untouched, and the millions of acres of fine land hardly producing one-third of the quantity of food that might be drawn from them.* Greatly as our agriculture is improved and extended, its limits are yet contracted, compared as well in regard to the science itself, as the circulation of that knowledge we have already acquired, and the application of it to the kingdom at large. Our attention, our industry, and our capital, has, no doubt, in late years, been much attracted to the cultivation of the soil; and if a sufficient portion of the vast capital we can command is allowed to find its way to this most advantageous employment, there can be no doubt of the produce of our own land keeping pace with any increasing demand. They would have done so hitherto, if the policy of the last fifty years had not forcibly directed our national exertions to manufactures of inferior importance;† for if we look to the table of exports and imports since 1773, we shall see, that in spite of the discouraging nature of the system established at that time, the excess of our imports gained upon us by very slow degrees; and it appears to me impossible to doubt, that if our agriculture had not been checked by the pernicious influence of those laws, it would, from that moment to the present time, progressively have kept pace with the increasing demand upon it. I will not now, Sir, detain the House any longer: I have endeavoured to confine myself to that view of the question I consider the most important; and I think I have succeeded in shewing, that however we might depress for a short time the profit of our agriculture, we should derive no permanent advantage from encouraging the importation of foreign corn. It is indisputably certain, the more we draw from foreigners, the less we shall grow of our own; and as the proportion we derive from them increases, so is the supply of our food within the absolute controul of their respective governments. If we allow ourselves to become annually indebted to them for a material portion of our sustenance, we shall certainly sacrifice our political independence, and endanger the welfare and happiness of the people.

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* It is perfectly well known, that large tracts of very poor land in Norfolk, for instance, by means of judicious cultivation, produce a larger quantity of corn and meat than the same number of acres in many other countries where the land is of the best quality.

† There is no intention here to underrate the value of our manufactures, nor is any doubt entertained of the immense influence of their success upon the prosperity of agriculture; the observation is meant only to apply generally in a way which is never disputed, that the growth or manufacture of corn (as it may fairly be termed) is of more importance than all others.

Mr. *Rose* said, the principle which he had always maintained was, that the grower should be protected. How this could be done, was a subject for enquiry; and what he complained of was, that they were proceeding without having sufficient information. All that he asked was, that when an adequate price had been fixed for the protection of the grower, importation should be encouraged. But the prices had been fixed without sufficient enquiry. He much objected to free trade; but would not have trade free in one way and fettered in another. An hon. gentleman had said, that there was no objection to investigation. Why then should they not investigate the subject? Why not investigate it immediately? For himself, he would be happy if a committee were appointed to proceed in the investigation to-morrow. Certainly the present time was, of all others, the most unseasonable for a change, but especially for such a change as was proposed. He would again say, that he most cordially agreed with those who thought that the interests of the grower and the consumer could not be separated.

Mr. *Horner* was anxious to shew his reasons for the vote he should give to-night; begging this only to be kept in view, that if the principle of preventing the importation of grain was to be adopted, the most effectual mode in which it could be adopted was the best. The right hon. gentleman on the other side had failed in convincing him that there was any occasion for departing from that system in regard to the corn laws, which had hitherto prevailed. He was far from thinking that freedom in any trade was bad in itself, or that such a system was impracticable in regard to corn; but he thought it best that the system now in practice as to the corn trade should be kept in view, unless reasons were made out for the departure from it. He was aware that commerce should always give way to higher reasons of state: but it appeared to him that there was here no such reason; and, in addition, it also appeared to him, that the present was the very worst season for proposing any change in this system. He could not help particularly remarking the great difference of opinion that prevailed on this second resolution; as to which, no two members who approved of it concurred in the reasons on which that concurrence was founded. He was unwilling, therefore, to go into a detail of his reasons why he wished this resolution to be postponed. He did so, taking into consideration the state of the manufactures of this country, and the persons in foreign markets whom we were to meet with.—He thought that this resolution ought to be postponed, not because there was not time enough to consider it, but because of the change of circumstances which might be expected to take place with regard to our foreign relations; and because there was not now time for us to see in what posture the trade of this country as to our foreign relations, was likely to stand. If the House were to postpone this part of the subject, he should have the satisfaction of thinking, from reflecting on the Bill which had been brought in this day, and to which there was likely to be little or no opposition in any quarter, that the House had done enough in the present session on this important subject, in the recognition of the principle of a free trade in so essential a point. If that Bill was to be maintained and carried through, as he trusted it would, it would eventually, he hoped, prove one principal part of the trade of this country, particularly of that part of the kingdom in which he was satisfied every member of that House felt a deep interest —Ireland.—That there was no danger that supplies of corn could at any time be withheld from us when we required them, he argued from this consideration, that at the very period when our enemy had vowed our destruction—when our crops had failed, and when the continental system was in full vigour, we were, in spite of that system, in full supply of corn. If so, what reason had we to be afraid of our agricultural interests on account of the cheapness at home? It was impossible that importation could ever be carried to such a pitch as to drive out our home grown corn. The expence of the carriage of so bulky an article alone must always render that next to impossible; added to which, there was the expence of double shipping from the one country to the other. As to the agriculturist, he would gain just nothing at all from the proposition of the right hon. gentleman; and as to poor rates, there would, at no great distance of time, be occasion for a revision of them; for at present they could be regarded in no other light than as an inefficacious and circuitous way of paying the wages of labour. The extension of home demand and home market, was the true stimulus of all agricultural improvement. He concluded with stating, that this was not a merely agricultural country, but that we depended principally on our commerce and manufactures for that distinguished rank and pre-eminence which we held in the scale of nations; and he therefore thought it impolitic to adopt any measure, the tendency of which might be ultimately to throw discouragements on the commercial prosperity and resources of the country, from an exclusive and unwise preference of our agricultural interests.

Mr. *Brand* argued in favour of the Bill. He contended that the competition between the home grower of corn and the foreign importer would not be a fair one. The cultivator of the land at home had a very heavy tax to pay before he could bring his corn to market. It was the land that paid the poor's rates, that paid the salaries of the functionaries of religion; it was from the rents of the land that churches were built and roads made. Would then the foreign importer be content to pay half the expence of these, in order to start fair in the market with the home producer of corn? The effect of a free and unrestrained importation from foreign markets would be, to throw a great proportion of the arable land of the kingdom out of cultivation. The farmer could not afford to grow corn, unless he could be sure of a certain average price for it. The effect of this diminished growth of corn would be, to render us unwisely and unnecessarily dependent upon foreign nations for our supply of this necessary article of life; and the ill effects of such a precarious supply we had already sufficiently felt, and might soon feel again with ten-fold force.

Mr. *Abercrombie* contended, that the high price of corn must ultimately raise the price of labour in an equal proportion; the measure would therefore produce an unfavourable effect on our manufactures, when brought in competition with those of other countries. The measure had also a tendency to check the population of the country, and thus strike at the very root and sinews of our strength. The manufactures of the country were the best excitement to the growth of corn; and there never, he thought, could be a want of encouragement to agriculture, so long as we retained at home our manufacturing population. The price of agricultural produce had got so high, that it could be considered only as artificial, arising from the means the enemy had used to shut us out of the continent; and any attempt to continue this unnatural price would be a great want of policy. If they were ever to revert to their money payments, it would be hard to say what the effect of such a law would be. He said, the question in his mind simply was, whether it was better for the interest of the community at large, that they should lay this prospective tax on the consumer of corn? He called upon the House to pause before they laid on this additional tax. At least, time for farther inquiry he thought absolutely necessary. The report which had been brought up contained information and details with respect to Ireland only; but if this information was necessary with respect to Ireland, he could not see why it was not equally important with respect to England.

Mr. *Huskisson* conceived, that the appeal which had been made by a noble lord (lord Archibald Hamilton) to general and abstract principles of political œconomy totally failed; because the whole of our commercial and œconomical system was a system of artificial expedients. If our other regulations with respect to the price of commodities stood upon the basis of the principles of a free trade, then there could be no objection to leaving our agricultural productions to find their own level. But while our commerce and manufactures were encouraged and forced by protections, by bounties, by restraints on importation from abroad, he saw no reason why the laws relating to the growth of corn should alone form an exception to this general want of system in almost all other respects. The examples of Holland, Hamburgh, and Venice, which had been alluded to by the noble lord in support of his argument, appeared to him by no means in point. The two latter, Hamburgh and

Venice, were little more than trading towns; and Holland did not contain a sixth part of the arable land which there was in this country. Holland might always derive a supply of corn, either from this country if she were at war with the continent, or from the continent if she were at war with this country; but we might be so situated as to be entirely shut out from any foreign supply. He thought this an evil of greater magnitude than some gentlemen seemed to imagine. The proportion of corn imported had hitherto been indeed only one thirty-fifth; but it might come, if proper measures were not taken to encourage the home cultivation, to be in the proportion of one-tenth, or even one-fifth. Nothing could be more dangerous to the safety and tranquillity of the country, than by accustoming it to a regular and extensive importation of grain from abroad, to expose it to all the evils which must in that case result from a sudden stoppage, or even diminution, of the import; whether that stoppage or diminution might arise from actual scarcity, or, which in some cases would probably occur, from political and hostile motives. The effect of the consequent variation of price on the poorer classes would be in the highest degree injurious. He owned, that it would be well if those classes could be taught so much providence as to œconomize when the necessaries of life were cheap, in order to enable them to meet a period of dearth; but as this was more than could be expected from human nature, it became the duty of the legislature to make such arrangements as would preserve as nearly as possible an even supply. To effect this desirable object, the resolution proposed by the hon. baronet seemed admirably calculated; and he trusted, that neither the hon. baronet, nor any other hon. gentleman would be deterred from supporting it, by any popular clamour that might exist on the subject. No one could suspect that his approbation of the resolution arose from any personal bias towards what was called the landed interest. Several other hon. gentlemen, who had maintained the expediency of the resolution, were similarly situated; all which distinctly proved, that the resolution was recommended not by any partial or selfish feelings, but by considerations of sound and general policy. Adverting to the agriculture of Ireland, he contended, that the effect of the resolution would be materially to encourage it; and this was a strong additional inducement with him to vote for its passing into a legislative enactment.

Mr. *Marryatt* expatiated on the advantages of our various institutions, and on the benefits derived from the nice balance of contending interests in the country. If any one of these interests were to obtain a decided preponderance, the result would be, the destruction, in the first instance, of the other interests, and ultimately of itself. This was the danger he apprehended from the Resolution proposed by the hon. baronet. If by its influence grain, and with grain the other necessaries of life, were rendered more expensive, or even kept up at their present price, the agriculturist and landholder might at present benefit; but the artisan and manufacturer, doomed to compete with countries to which the cheapness of food must give extraordinary advantages, would be compelled to emigrate; and eventually the landed interest would suffer in the general ruin.

Mr. *Foster* said, that when the amendment proposed by the noble lord should be disposed of, he would move the re-commitment of the Resolution, in order to propose as an amendment, instead of any duty, to prohibit the importation of grain altogether, up to that price at which the duty was to cease according to the original Resolution.

Mr. *Protheroe* warmly opposed the Resolution. He adverted to the opposition which he and some other hon. gentlemen had given last session to the Report made by the committee on this subject—a Report which he declared was full of crudities, and the avowed object of which was to raise the price of corn [Coughing, and cries of No! No!]. He repeated it, that the avowed object of the Report was, to raise the price of corn; and he would not be deterred by any high tone assumed in that House, from speaking his sentiments, and advocating the cause of his constituents, who would be seriously injured by the proposed regulations.

Sir *H. Parnell* observed, that the hon. gentleman must have read the Report to which he alluded very imperfectly, to assert that it abounded with crudities, and that the avowed object of it was to raise the price of grain. Neither of these allegations was well founded; and the hon. gentleman ought to be more cautious how he spoke of the labours of a select committee of that House, many of whom were men of the highest political attainments and discrimination.

Mr. *Protheroe* said, that he should be happy to have an opportunity of convincing the hon. baronet of the accuracy of his character of the Report.

The House then divided—

For the Amendment	27
Against it	144
Majority	—117

On the motion of Mr. Foster, the Resolution was then ordered to be recommitted next day, with a view to the introduction of his amendment; and at two o'clock in the morning the House adjourned.

HOUSE OF LORDS.

Tuesday, May 17.

Dulwich College Petition.] The Duke of *Norfolk* adverted to the Petition upon the table against certain enactments in the Dulwich College Bill; and on the ground, principally, of its containing matter of which he was not sufficiently aware in the first instance,—he should move that the petitioners have leave to withdraw the Petition.

Lord *Holland* observed, he certainly had no objection to the Petition being withdrawn: whatever objections he felt were to its being received. He could not help remarking, that a clamour was industriously raised against the Bill now before the House. The Petition which his noble friend moved to have withdrawn alleged, that the petitioners were interested in the College of Dulwich; because, being of the name of Alleyne, they were eligible to the situation of wardens and masters; that was the same interest in the College, that all persons eligible to be so appointed had in other colleges. Such was one of the things of which the petitioners complained, and the reason stated for their being heard by counsel: it was not stated, that the present Bill so affected their interests, but that an Act passed some time ago had affected their interests. That Act was one which was allowed to have materially benefited the interests of Dulwich College. The Petition, he also remarked, went to cast a reflection, for which there was far from existing any ground, not only upon those who came forward on the occasion, but upon some of the best characters to be found in the history of the country; involving with respect to them, a charge, by implication, no less than the subornation of perjury. He must naturally be pleased at hearing such a petition was to be withdrawn, which seemed to reflect in such a manner upon those who were only actuated by a sincere wish to promote the real interests of the College in question.

The Duke of *Norfolk*, in explanation, stated the way in which the Petition came into his hands. He seemed to admit that part of the language of the Petition alluded to by his noble friend, might be so construed, though they did not strike him so, nor did he think such a reflection was meant to be cast by the petitioners; but as he deemed it so far improper, he was inclined to propose its being withdrawn.

The Petition being so ordered, his grace then presented another Petition for the same object as the former; but drawn up, he said, in an unobjectionable manner; which, being read, was on the motion of the noble duke referred to the committee on the Dulwich College Bill. His grace then moved, that the statutes relating to Dulwich College should be laid before the House.—Ordered.

HOUSE OF COMMONS.

Tuesday, May 17.

East India Company.] Mr. *Creevey* rose, pursuant to notice, to move for the production of a copy of a letter from the earl of Buckinghamshire, president of the Board of Controul, to Robert Thornton, esq. chairman of the East India Company, dated the 12th January last, on the subject of continuing the pensions which had been granted during the existence of the late Act; particularly one of 5,000*l.* per annum to lord Wellesley, and another to Warren Hastings, esq. which were now expired. In consequence of this expiration, the president of the Board of Controul had thought proper to write this letter; not merely recommending the continuance of the pensions, but even suggesting the propriety of an increase. His reason for moving for the letter was this—he conceived that lord Buckinghamshire had acted in violation both of the spirit and letter of the Act for continuing the charter of the East India Company. There was a clause both in the present and last Act, which expressly stated that no increase of pensions should be granted by the East India Company to their servants, without the ratification of such increase by the Board of Controul. The function of the Board of Controul was thus limited to the approval or disapproval of the increase;

but it possessed no power to propose any measure of the kind. In this he conceived lord Buckinghamshire had been guilty of a violation of the act of parliament. It would, in his opinion, be highly improper if the president of the Board of Controul were to possess not only the power of controuling the directors of the Company, and the preventing any misapplication of their funds, but also that of dictating the course which the East India Company ought to follow. But if it was improper that the president of the Board of Controul should dictate to the Company in the case of an increase of pension to their servants, how much more so was it in the case of servants of the crown, who had been in the situation which he then filled? In this letter lord Buckinghamshire stated, that the late lord Melville died much in debt; and that his son, from the most honourable principles, had taken upon himself the payment of those debts, and he recommended that they should grant him 20,000*l.* to assist him in that object—that is, he begged the Company to give to another minister of the crown, at the head of the Admiralty, a sum to pay his father's debts. In consequence of this letter, notice had been given of a motion for the grant of the sums so recommended. Now he conceived this to be a gross violation of duty on the part of lord Buckinghamshire. If, however, he was mistaken in this opinion, he thought that the evil was of such a nature as to require some alteration of the Act. It was indeed astonishing to see how the Board of Controul had gradually grown up to its present consequence. When first proposed by Mr. Pitt in 1784, it was stated as a recommendation by him, that the members of the board would do their duty without salary, and that they should have no patronage. The salary of the president, however, had been first issued at 2,000*l.* a year, and afterwards raised to 5,000*l.* Instead of having no patronage, it turned out on the late enquiry, that the president of the Board of Controul possessed a patronage equal in value to that of the chairman of the East India Company; and at last the president had ventured on sending a message to the Company, recommending them to grant 20,000*l.* towards paying the debts of another minister's father. The hon. gentleman concluded with moving, That there be laid before this House, copy of a letter from the earl of Buckinghamshire, first commissioner for the affairs of India, to Robert Thornton, esq. chairman of the East India Company, dated the 12th of January 1814, upon the subject of expired pensions under the East India Company.

Mr. *Wallace* was of opinion, that no fair parliamentary ground had been stated for the publication of the paper in question, and that any discussion at present would be as premature as it was unprecedented. The letter was of a private nature, merely suggesting the propriety of taking certain matters into consideration. The president could only act officially with the Board of Control, and not with the court of directors; and the letter could impose no duty either upon the directors or upon the proprietors. The hon. gentleman, however, seemed to regard the letter somewhat in the light of a message from the throne, upon which it was incumbent to come to some resolution. That the court of proprietors should be anxious to testify their sense of the merits of the late lord Melville, could be matter of surprise to none who were acquainted with the important services he had rendered to the East India Company.

Sir *Mark Wood* fully concurred with the last speaker. Though he himself had never received any personal favour from the late lord Melville; yet so highly did he estimate his services to the East India Company, that, if no other gentleman should bring forward a proposition upon the subject, he himself should, in the court of proprietors. move for a further remuneration to the late lord Melville.

Mr. *Howorth* contended, that the letter could only be understood to be a public recommendation by the president of the Board of Controul, and that it was meant unduly to influence the court of proprietors. He was informed, he feared too credibly, that the meetings of the Board of Controul had been long suspended; and that all power, patronage, and influence was absorbed by the president. The letter in question was in direct violation of the act of parliament.

Mr. *T. Courtenay* said, the hon. member, in proving that the letter did not bear the sanction of the board, proved that it was actually private. He denied, that the convening of the board was dispensed with; and said, he never signed any paper without the requisite number of signatures by members of the Board of Controul. The letter, he contended, was strictly private. A doubt had arisen relative to the expiration of the Act regarding pensions; and upon this a conversation took place between his noble friend and the chairman of the court of directors. His noble friend, with the frankness which distinguished his character, communicated the same opinion in his letter, which he had expressed in the conversation that had taken place. He denied, that the hon. gent. (Mr. Creevey) had at all entered into the merits of the letter itself, and therefore he had laid no sufficient grounds for its production.

Lord *A. Hamilton* insisted that the letter ought to be produced, whether the House considered the person by whom it was sent, him to whom it was addressed, or the subject comprised in it. If it were indeed a private letter, there was still stronger ground in his view for laying it before parliament; because it must be taken to be a clandestine communication, intended to produce the effect of a public and official interference.

Mr. *Creevey*, in reply, observed, that he believed, he had laid an ample parliamentary ground for his motion, when he had shewn that the letter was in contravention of a statute passed by the House. As for the Board of Controul, the places of most of the commissioners were mere sinecures: while he was secretary to it for fourteen months, not one meeting had been held for purposes of deliberation, and he had understood and believed that for 22 years previous the same neglect had been exhibited. The hon. gentleman opposite had been long, longer than any man in parliament, in the enjoyment of one of these sinecures; and Mr. Creevey wished to know whether he had ever voted at any board when any subject for deliberation had been discussed?

Mr. *Wallace* replied, without hesitation, that he had.

Mr. *Creevey* expressed his astonishment: he would venture to say, that he had never voted more than once on such an occasion.

Mr. *Wallace* observed that, upon recollection, he could not say that he had voted even once in his life at a board (a laugh); but he had given in his opinion. He remembered one board, however, when there was a vast deal of discussion, but nothing was done. The established practice was, to circulate the papers which they had to consider (and which were very voluminous), and take the opinion of each member in writing.

Mr. *Sullivan* said, that the letter was surely meant to operate in some way or other. At present, however, he did not conceive it to be tangible, nor did he know in what quarter an application could be made for its production. It would be better to wait to see what would follow.

Mr. *Creevey*. The letter is in the India-house, and has been printed.

Mr. *Whitbread*. If we were to wait for what might follow from the letter, gentlemen who opposed the publication might easily prevent any thing from following. The letter could with no face be said to be private. It had been read at a public meeting; and it appeared from the speech of an hon. baronet (sir M. Wood) that upon him at least it had produced some effect. It would seem, from the language of some hon. gentlemen, that lord Buckinghamshire could at one time resolve himself into a private individual, and at another into president of the Board of Controul. One thing, it appeared pretty plainly, he could not do; and that was, to put the right hon. gentleman (Mr. Wallace) upon the India Company proprietary. It would seem, that no boards were assembled, but that all the business was done either by the president or by the secretary. The practice had been to convert letters, to the publication of which there were objections, into private communications; the House of Commons, however, had sometimes decided that those letters were public; and your authority, Sir, (said Mr. Whitbread, addressing the Speaker,) I make no doubt, will quickly cause the letter in question to be produced. He had heard, though he did not pretend to vouch for the fact, that a sheet of blank paper had been put over documents that were to be signed, and that the signature had been affixed at the end of the blank.

Mr. *Sullivan* again expressed a wish, that the hon. mover would wait till something should be done in consequence of the letter.

Mr. *Creevey*. It is my object that nothing may be done in consequence of it.

The House then divided, and the numbers were—For Mr. Creevey's motion, 23; Against it, 62; Majority against the motion, 39.

List of the Minority.

Barnard, lord
Brand, hon. T.
Bennet, hon. H.
Combe, H.
Grant, J. P.
Gordon, R.
Grenfell, P.
Horner, F.
Howorth, H.
Hammersley, H.

Lemon, sir W.
Milton, lord
Macdonald, J.
Martin, J.
Newport, sir J.
O'Hara, C.
Phillips, G.
Parnell, sir H.
Ridley, sir M.
Russell, lord J.
Smith, W.
Western, C.
Whitbread, S.

TELLERS.

Creevey, T.
Hamilton, lord A.

CHILD STEALING BILL.] Mr. *W. Smith*, in moving for leave to bring in a Bill to punish the crime of Child Stealing, observed, that it was singular, that this offence, though there was none of greater enormity, was not at all punished by the existing law, unless in those cases where the person stealing a child could be convicted of stealing its clothes. It was surely a great blot on the statute book, that a man might steal a child with impunity, though he could not, without punishment, take the shoes from that child. And, he believed, so far was the system carried, that the judge always directed a jury, in cases of this kind, if any doubt were entertained as to the person accused intending merely to steal the child, and not the clothes (that is, intending to commit the greater and not the less offence), that then they must acquit him. There were three different motives for the stealing of children—First, as was most commonly the case, for the sake of the clothes. In that case the party rarely thought it necessary to take the infant far from the place where the theft was committed, and it was allowed to find its way back as well as it could. He recollected a case that happened a few years ago, where a child was stolen from a professional gentleman, who resided in Westminster. That child was stripped, and left under one of the arches of Westminster-bridge, on a snowy and inclement day, when the tide was flowing. From this situation it contrived to extricate itself. It ascended the steps, and caught hold of the legs of a person who happened to be there, and who restored it to its parent. This instance he stated, to shew how hardened those criminals were who addicted themselves to child-stealing. The offender was convicted in that case, because he had stolen the child's clothes, and sentence was passed on him; but, he was sorry to say, he afterwards received a pardon. Another motive for stealing a child was, that it might be reared up as the offspring of another. A case of this kind occurred a few years ago, and a Mrs. Delow was tried for the offence.—Now, even though the situation of the fictitious parents was more comfortable than that of the real ones, and, therefore, the child thus improperly carried away, would, perhaps, be introduced into a line of life better than that from which it was taken, still this did not palliate the crime, any more than the argument formerly used, that the negroes were taken from the miseries of their native country, to taste of happiness in the West Indies, justified the Slave Trade. But there was a still worse case than either of these—that was, where children were stolen for the purpose of being sold, either to be carried about, for years, to excite charity, as common beggars, or to be educated to those trades (chimney-sweepers for instance) in which children were still employed. Those who committed an offence of this aggravated description, in consequence of this defective state of the law, must now be acquitted. He had stated his intention of remedying this defect to several learned gentlemen of great weight and authority, all of whom expressed their approval of the measure. A few years ago, a Bill of a similar description was brought in by an hon. friend of his. It passed through the House of Commons, and, in the House of Lords, it advanced to a third reading—from some neglect or other, it was not moved through that stage, and, in consequence, the measure was lost; and, for some private reasons, his hon. friend declined introducing the Bill again. Not being aware of any opposition, he would move—"That leave be given to bring in a Bill for the more effectual prevention of Child Stealing."

Mr. Serjeant *Onslow*, in seconding the motion, said, that his hon. friend deserved the warmest approbation, for having proposed a measure which would cover a class of criminal cases most offensive to human nature, and which were not hitherto provided for. With respect to the directions given by the judges to acquit culprits of this description, they had merely done it in strict conformity with the letter of the law; at the same time that they did violence to their feelings—and deeply lamented the defective state of the criminal code. Such inconveniences arose from the present situation of the law. Looking upon child-stealing as a crime disgraceful to the country at large, and as one of the blackest in the black catalogue of human offences, he heartily supported the motion.

Mr. *Peel* intimated a wish that the Bill should be extended to Ireland.

Mr. *W. Smith* agreed to the suggestion.

Leave was then given to bring in the Bill; which was shortly afterwards brought up by Mr. W. Smith, and read a first time.

Roman Catholics.] Sir *John Cox Hippisley* rose, in pursuance of a notice he had formerly given, to move for certain papers which tended to elucidate particular points of discipline in the Catholic church. He should be sorry to bring any thing under the consideration of the House, that could lead to a discussion on the Catholic claims; if certain circumstances, which had recently occurred in the sister kingdom, had not, in some measure, rendered such a course necessary. The observations, however, which he intended to make, should only be with reference to the papers for which he was about to move. Gentlemen would recollect, that, in the course of the last session, he moved for a variety of documents, all of which were not printed. They contained information with respect to the discipline of the Catholic church on the continent, as well as in Canada, Malta, and other places connected with his Majesty's dominions. One of the papers he moved for at that time was not printed; and he should now move that it be printed, because it tended to shew the code of regulations which was necessary on two great points; first, with respect to the interference of the crown in the appointment of Roman Catholic bishops in the united kingdom; and next, as to the supervision of such rescripts as might be received from Rome, by any person in Great Britain or Ireland. There was another part of this paper, which related to matter of a graver nature—and, reflecting on what had occurred in the sister kingdom, he thought it necessary to make a few observations on the subject to which it referred; namely, the society of Jesuits. Gentlemen would call to mind what had fallen from him, on a former occasion, with reference to this very subject. A doubt was, he believed, at that time entertained, as to the existence of the sect of Jesuits; but that doubt no longer existed. Now, it had come to his knowledge, that nearly 30,000*l.* had been remitted from Rome to Ireland, for the purpose of purchasing lands. Of that money 16,000*l.* had been laid out in buying a place called Castle Browne; and, on the scite of Castle Browne, a building had been erected, as a seminary, which was under the superintendence of a professed Jesuit. A gentleman of the name of Browne, well known in the literary world, had written very largely, within a short period, in defence of the Jesuits. He eulogised that body very highly—he spoke of their having establishments in Russia and Naples—and stated, that young men were sent from this country to the society at Naples for their education—that they were there ordained—and afterwards returned to the united kingdom. On the subject of an oath, Mr. Browne observed, that he differed from the common construction of that obligation. He held it to be 'secundum intentionem deponentis,' and not 'secundum intentionem juramenti.' This gentleman argued very strenuously, that the order of Jesuits ought, if possible, to be established in every part of Europe. On the subject of the introduction of the order into Ireland, he had received a letter, fully confirming the fact, from which he would read an extract:—"It is," said the writer, "a plain fact, that the society of Jesuits have purchased Castle Browne, and are about to establish themselves among us. What their object is, I know no more than you do; for they are not remarkable for disclosing their designs. There is, however, quite enough to alarm the British world." This letter was very lately received from Ireland, and he thought it his duty to lay it before the House. Knowing the restrictions that were placed on the Catholic clergy in non-Catholic, and even in Catholic countries, it was for the House to mark, with serious attention, the novel spectacle of synods, composed of Catholic bishops and Catholic priests, established, he would say, contrary to law, in Ireland. He knew many gentlemen differed from him in opinion that they were contrary to law, but still he felt himself warranted in making the assertion. Surely he need not point out the danger of such assemblies, sitting from time to time, and propounding measures which were afterwards to be discussed in parliament. Those who had read the Dublin papers lately would perceive that he was not distorting facts. In those papers they were told what the clergy were about to do; from them they understood, that the second order of the church in Ireland were determined to oppose the rescript recently received from Rome. He meant not to make any specific motion on this subject. But he hoped the House, being apprised of these circumstances, would not lose sight of the results that might be expected from the continuance of such a system. He also trusted, that they were alive to the conduct of another assembly; he meant the Catholic board, who had been pleased to appeal to the Spanish Cortes for their interference. For what purpose did they approach the Cortes? To tell them how much the Roman Catholics of Ireland were oppressed by this government, which was acting at the time in conjunction with that of Spain. What effect could this have, but to impress upon the minds of the Spanish people, that the noble duke, who had so often fought their battles, and who had so lately received the thanks of that House, was the enemy of the Catholic religion—of the religion of Spain? This appeal was made to the most intolerant nation under the sun—who looked upon their own as the only true religion—and had made every member of the Cortes swear to preserve that religion. If they looked to the regulations of the Spanish government anterior to the late constitution, they would find that no person was suffered to hold a situation, civil or military, unless he professed the Catholic religion. And yet, the Catholic board thought proper to complain to the Cortes, that they were not admitted to a participation in all situations, civil and military. There was another measure of this board which he could not avoid noticing; and, in doing so, it was but just that he should applaud the conduct of the Catholic clergy, in refusing to lend themselves to the task which the board had endeavoured to impose upon them. He alluded to the collection of what were called donations. A minimum was fixed, below which nothing would be taken—and a mark, it seemed, was to be placed on every Roman Catholic, who either could not, or would not, subscribe ten-pence. This proposition originated with a member of the Catholic board; but he believed that it had not been very productive. The right hon. baronet then adverted to the indignation that had been expressed by some of the Roman Catholic clergy, at the proposition, formerly made, for supporting them by a state provision; and observed, that one of those persons, who was most loud in reprobating such a system, who had declared that the Catholic clergy ought to give up all worldly advantages for spiritualities, had himself, however, applied for a state provision. He had prevented others receiving a pension from the crown; and yet he afterwards caused a petition to be drawn up, for the purpose of presenting it to his Majesty's ministers, requesting a pension for himself. And he had even applied to him (sir J. C. Hippisley) for his assistance and co-operation, being aware that he had been instrumental in procuring some relief for the suffering ecclesiastics of Scotland. The letter lately received was nothing more than an acknowledgment of those principles which were acted upon in every state—and the papers for which he should move were extremely essential, as proving the existence of what he termed a code; from which it would be seen, that the two regulations he had mentioned in the early part of his speech were allowed to exist in every state of Europe, with the full concurrence of the church of Rome. This he stated upon the fullest authority—having resided on the spot, and been in confidential communication with individuals of great eminence, who never resisted the adoption of the principle. He would not then enter into a comparison of the rescript received from Rome a few days ago, with that transmitted to this country in 1805—but he would call the attention of the House to the extraordinary state in which Dublin, and perhaps Ireland, at that moment was, in consequence of the receipt of that rescript. That situation was sufficiently pointed out by the public prints; and unless government looked very closely to the proceedings in that country (where a board existed, affecting and exercising so great a sway), and adopted those measures which the exigency of the time called for, consequences of a very serious nature must necessarily arise. The hon. baronet then moved, "That the Extract of paragraphs 42 and 43, from sir George Prevost's Instructions as governor and commander in chief in Lower Canada, dated 22d October 1811, which was presented to the House upon the 21st day of July, in the last session of parliament, be printed."

Mr. *Bathurst* seconded the motion.

Sir *H. Parnell* said, that, the hon baronet having stated, that a sum of money, amounting to 30,000*l.* was transmitted from Rome to Ireland, for the purpose of establishing the Jesuits in that country, he felt it his duty to relate the fact which had given rise to the assertion. The hon. baronet had been for some time harping on the re-establishment of the society of Jesuits—and the person, whose character was in some degree implicated by his observations, begged of him (sir H. Parnell) to state the object and circumstances relating to the seminary alluded to. That individual had put into his (sir Henry's) hands a prospectus of his establishment; and the whole object which it aimed at was neither more nor less than the education of young persons. It did not even exclude those of the Protestant religion. The hon. baronet, in the whole course of his speech, had not stated to the House any one circumstance which could induce them to believe, that any thing farther was contemplated by the gentleman of whom he had spoken, than merely to establish a school. Every gentleman, he thought, must perceive the absurdity of supposing, at that time of day, that any danger could be apprehended from the re-establishment of the Jesuits; or that any person could be weak enough to set on foot a measure of that kind. It appeared almost impossible, when they considered how very few of that sect were now in existence, and how much opinions upon religious topics had changed of late years. On that head, therefore, he apprehended no danger; and certainly the hon. baronet had not attempted to prove that it was against the law of the land to set up a seminary such as that contemplated by the gentleman whose motives had been thus distorted. The proceeding was justifiable and legal; and, therefore, there was no necessity to have recourse to any measure for putting down that institution. Why should they go back to the conduct of their forefathers, and say, because a gentleman happened to be educated in a college of Jesuits, that therefore he should be prevented from setting up a school in Ireland?

Mr. *Peel* said, that though the hon. baronet had given notice of his motion, yet, as it was simply for the production of instructions to sir George Prevost, the House could be little prepared from such a notice for the discussion of those important topics to which the hon. baronet had adverted, and from any reference to which at present he should as far as possible abstain. He merely rose, lest it should be imagined, if he continued entirely silent, that the Irish government had not paid serious attention to those subjects on which the hon. baronet had particularly dwelt. On one point he thought it necessary to make a few observations, because the hon. baronet had alluded to it in the last session. In consequence of what the hon. baronet had stated respecting the establishment of a college at Castle Browne, supposed to have for its object the renewal of the order of Jesuits in Ireland, and other representations which had reached him, he had solicited a communication with Mr. Kenny, the head of that seminary. He had accordingly seen that gentleman, and had stated to him, that reports had gone abroad, much exaggerated, perhaps, as to the nature of the institution over which he presided—observing, that it would be good policy in him (which he admitted) to explain precisely the object of his institution. From him he learned, that it was not a religious, but a lay institution; and Mr. Kenny put into his hands a prospectus of the course of education. Mr. Peel asked him, whether it was confined exclusively to persons professing the Roman Catholic religion; as in that case doubts might be entertained of the legality of the institution. To this Mr. Kenny answered; that the college of Maynooth, which was exclusively Catholic, was recognized as a legal seminary; but observed, that his institution was not confined to Roman Catholics. He would willingly admit the children of Protestants to participate in the general course of education, leaving to their parents the right of giving them such religious instruction as they might think proper. At the same time, he doubted how far the principle of educating Protestant children at a seminary chiefly Catholic, would be generally approved of.—Mr. Kenny stated, that the institution was carried on by him, not as agent for any other persons, but on his own account. To a question respecting the source from which he had derived his funds, that gentleman had given no answer. He (Mr. P.) had then told him, that he was not to infer from the communication which had passed, that the Irish government acquiesced in the existence of the institution, but that they should continue to watch it with jealousy.

Sir *John Newport* said, that, in the year 1806 or 7 (he could not exactly state which), a communication was made to him, that the present archbishop of Dublin had refused to licence an individual who was then about to establish a seminary. His grace did not refuse from any personal feeling, for he was perfectly acquainted with the excellent moral character of the man; but he declined signing the licence—he entertained doubts of the propriety of a Protestant bishop licensing a Roman Catholic school. He (sir John) stated the circumstance to the then administration, and the individual was allowed to proceed with his undertaking. Some observations were made on the subject; and, in consequence, he looked into the statute-book, and there he could see nothing whatever to prevent the individual from keeping a school. Now he could not see what objection could be raised against the conduct of Mr. Kenny. He laid open the whole course of education which he taught—he was desirous of no concealment. Why then should he be molested? For his own part, he considered it, as he had always done, a most beneficial thing for the public, that education could be provided at home, for those who must otherwise seek it in foreign countries. It was a matter, in his opinion, of very great importance, to give, both to the clergy and the laity, a domestic education. He knew nothing of the gentleman to whom the remarks of the hon. baronet were applied; but his ready offer to lay every thing connected with his institution open to government, ought to wipe away all suspicion from his character. At all events, he would deprecate, in the strongest terms, the introduction, on a question of an entirely different nature, of any reflections on the character and conduct of a man, who had no opportunity of defending himself. Fortunately, however, when the hon. baronet made his observations, there were gentlemen in the House who were not unacquainted with the circumstances of the case; but, for any thing the hon. baronet knew at the time, this might not have been the case.

Sir *H. Parnell* wished to observe, that Mr. Kenny's reason for refusing to state whence he derived the funds for commencing the establishment, was, because he conceived that the right hon. gentleman (Mr. Peel) was not altogether well entitled to catechise him on his private affairs. As a British subject, he had a right to set up the institution, and to proceed as he thought proper, provided he did nothing which appeared dangerous to the state. He willingly answered every question which was at all connected with the public interest; but when the right hon. gentleman went so far as to inquire into the means by which he made the purchase, which was penetrating directly into his private affairs, he felt that it was not proper for him to give an answer. He had, however, told him (sir Henry), that the whole had been purchased with his own private property; that he acted from his own individual motives, and wished to conduct himself peaceably and properly.

Mr. *Peel* said, he had not asked any question of Mr. Kenny in a tone that evinced a desire to catechise him—nor was any one of his interrogatories dictated by a spirit of idle curiosity. He had not premised his questions, by stating that his institution was contrary to law; he merely observed, that doubts of its legality had been expressed in parliament. He also informed Mr. Kenny, that the utmost jealousy had been manifested of the society of the Jesuits by the British government; so much so, that their property in Canada had been formerly confiscated. He asked the question relative to the funds of the establishment, and made the observation he had done, lest it might be hereafter inferred, because some communication had passed with a member of the Irish government, that that government had acquiesced in the propriety of the establishment in question.—At the interview he had with Mr. Kenny, he particularly told him, that he must not be surprised if the same feeling which had induced the British government to confiscate the property of the Jesuits in Canada, should induce them at least to watch with the utmost vigilance and suspicion an institution established and superintended by one of the order, supported by funds, the origin and nature of which were totally unaccounted for.

Sir *J. Newport* denied that the property of the Jesuits in Canada was confiscated. They were prevented from professing any more persons in that country—but they were allowed to enjoy their property as long as they existed. And it was a remarkable fact, that one of them, who survived all the others, possessed the whole of the property for a considerable time.

Mr. *Peel* said, that the order was effectually put down.

Sir *J. Newport* said, the property was enjoyed by the individual he alluded to, until the very last moment of his life.

Sir *J. C. Hippisley* contended, that the property of the Jesuits had been confiscated in Canada by the order of the Canadian government, and that this property had been since granted to lord Amherst. He contended also, that, according to the Bull of Pope Ganganelli, which ordered the universal abolition of the Jesuits, who were, in fact, much more devoted to their own general than to the Pope, all Christian countries, whether Catholic or Protestant, must feel it their interest to discountenance such an institution. All Christian states had indeed manifested their sense of this interest; and it behoved the government of England to look with peculiar care to the institution under discussion; especially when it was known that such a considerable sum had been found to support it, and that sum too derived from some source which the principal of the institution refused to reveal. He (sir J.) could not help declaring his regret, that gentlemen of great weight and character in that House had thought proper to decline expressing any objection to the establishment alluded to. Upon the character of the Jesuits he did not think it necessary to state any opinion, nor to call to the recollection of the House the jealousy which all the free and independent states of Europe had manifested against that order. But he must again caution the British government to be on its guard. For the moral character and general good disposition of the present Pope, he professed the highest respect. But the Jesuits had always been found a powerful means of influence, a formidable band of intriguers; and he therefore would wish to protect his country against the fiat of any Pope, for the resurrection and reorganization of such an order.

The motion was agreed to. The hon. baronet then moved, "That the several papers which were presented to this House in the two last sessions of parliament, relating to the Roman Catholics, and which were severally ordered to be printed on the 28th day of May 1812, and on the 4th, 17th, 21st, 24th, and 25th days of May 1813, be re-printed." Agreed to.

Corn Trade.] On the motion of Mr. Foster for the re-committal of the Report respecting the Corn Trade,

Sir *J. Newport* expressed his conviction, that the most persuasive arguments had been adduced to shew that it was the policy of this country to guard its home agriculture by providing against the free import of foreign corn. If it were asked, whether it was necessary to alter the arrangements of 1804, or provide any additional guard for our agriculture, as that agriculture had since increased, he should answer that this increase was not owing to those arrangements, but to the peculiar nature of our relations with foreign states. Besides, it was now impossible to put the agriculturists in the same state that they were in in 1804, as so many additional burthens had been since imposed upon them; would it then be fair to expose them to competition in their own market with foreign agriculturists, after having incurred those very burthens—after becoming subject to such a weight of taxation for the deliverance of Europe, for the advantage of foreign states, in order to relieve them from the calamities of wars? Such a proposition would, indeed, be utterly destitute of common justice, as to allow a foreigner, armed with the security which Great Britain had purchased for him by twenty years war, to undersell the British trader in his own market. In fact, the principles of a free trade could not be fairly applied to the question of corn, especially after those principles had been departed from with regard to our other manufactures. Our woollen manufacture, for instance, was protected against the competition of any foreigner whatever in our own market, and why should not our corn meet an equal protection? It was alledged, that the proposed arrangement would serve to impose a permanent tax upon the consumer; but he denied the justice of this allegation. If, however, it were even true, he should have no hesitation to assert, that it would be for the interest of the consumer to pay that tax in order to secure the advantages of that steady supply, and independency of any foreign state, which the measure promised. As to the argument, that the tendency of this measure would be to throw capital unnaturally into agriculture, he thought it quite untenable, as the only probable result would be to recover for agriculture, which formed the most solid wealth of a nation, that capital which had been heretofore diverted from it by an undue partiality to manufactures. But the advantages which the proposed arrangement held out to Ireland were incalculable. In that country, the interests of which were completely identified with those of Great Britain, not above one-fourth of the people were employed in manufactures, the remainder being wholly dependent on agriculture or pasturage; and there agriculture had of late years made very considerable advance; insomuch, indeed, that it had exported a vast quantity of corn to this part of the empire. Would it then be fair or wise to impede the prosperity of that country? But if such impediment were really offered, what must be the state of things between the two countries? Ireland at present took the manufactures of England, and paid for them in corn. It indeed prohibited any manufacturer from entering into competition with that of England in the Irish market. Its duties with a view to that prohibition were, upon woollen, as 50 to 1 in favour of England—upon hardware as 33 to 10—upon glass as 83 to 10, and so on in proportion upon earthenware and other articles of English manufacture. Would it then be an equitable return towards Ireland, to withhold due encouragement from that agriculture which enabled it to pay for such articles—which enabled it, especially of late years, to become the best customer of England? In fact, if that encouragement were refused, he could not conceive how the Irish people were to pay those absentee rents which formed so severe a drain upon that country. These absentee rents, however, were spent in England; which thus profited, in every point of view, by the improving industry of Ireland. To the interest of that country, he therefore trusted that the House would look with peculiar solicitude; and nothing could contribute so materially to that interest as the encouragement of agriculture, to which the Irish were peculiarly disposed, and which was so much more calculated than pasturage, or perhaps even manufactures, to promote morality, industry, and good order.

Mr. *Burrell* said, that many gentlemen seemed to conceive that corn was the only thing which ought to be lowered in price. He would wish to know whether any of them had found out a way to lower the price of all other commodities in the same proportion. Our farmers were loaded with taxes on land, horses, leather, property tax, and tithes, beyond what the farmers of other nations were subject to. If corn that was subject to none of those duties were allowed to come free into our market, this country would soon be overwhelmed with corn from the continent. When we had from official accounts a statement of the rapid increase of agriculture in Ireland, were we to check her prosperous career? The agriculturists of this country did not ask for monopoly; they only wanted protection. They did not want to raise the price of the loaf upon the poor, but they wanted to be preferred to foreigners in their own markets.

Sir *H. Parnell* rose to endeavour to prove that the accusations preferred against him as chairman of the committee on the corn trade, by a right hon. gentleman (Mr. Rose) were not well founded. He hoped he should also be able to show to the House, that the right hon. gentleman had himself fallen into some very great mistakes. The Report of the Committee had been described by the right hon. gentleman, in the pamphlet which he had published under the title of his speech, as taking a very superficial view of the subject. This he denied. The Report contained the average prices of corn for 146 years; a view of the laws relating to the subject for 150 years; and an account of the documents respecting imports and exports for 117 years. In the speech which the right hon. gentleman had published, there was something which he (sir H. Parnell) must take the liberty to say, had not been said by the right hon. gentleman in the House. In the House, the right hon. gentleman had said, that the committee had taken their prices from Eton College records; but in his publication, though he admitted that they had correctly taken them from the Eton records, he maintained that the deductions drawn from those records were not correctly made, [see p. 675.] The right hon. gent. then gave a statement of what the prices should have been; and here he committed a very great error. In taking the prices from the Eton College records, as the prices were marked in them from the finest grain in the market, it was necessary to deduct from the price on the records two-ninths altogether. Whereas, the right hon. gentleman had only deducted one-ninth. The right hon. gentleman also accused the committee of being in error as to the tables given in the Report. The fact was, that these tables had been taken from the work of Mr. Chalmers, whose accuracy even the right hon. gentleman had admitted. Another accusation was, that the committee had only referred to seven of the acts of parliament on the subject of the corn trade; whereas, in truth, they referred to nine of these acts. In his whole speech, the right hon. gentleman had not been able to shew that there was any act of parliament of importance on the subject which had not been referred to by the committee.

The committee were blamed for the eulogium they pronounced on the Act of the 17th of Charles 2, although the very words of the committee in praise of this Act were those used by Dr. Adam Smith. The committee had applied the words of the same great authority to the Act of William the third. The hon. bart. was proceeding to repel the accusations of Mr. Rose; when

Sir *M. Wood* rose to order; and observed, that if the hon. baronet went on attacking the pamphlet, they would have an hour's reply from the right hon. gentleman in defence of it. [A laugh.] Besides, it was taking the House unfairly; as many members had come down expecting the amendment of an hon. member to be proposed.

Sir *H. Parnell* continued, by observing that the statements of the right hon. gentleman were absolutely erroneous; and that he had failed, in every instance, in fixing any inaccuracy upon the labours of the committee. He contended, that no committee had ever taken more pains to produce a well-digested and correct Report.

Mr. *Rose* said, he was sorry that the objections of the hon. baronet had not been brought forward earlier; as he unfortunately laboured under such a severe cold, that he doubted whether he could render himself audible to the House. With regard to what had been stated by the hon. baronet, he had not satisfied him (Mr. Rose) that he had fallen into a single mistake. He was still of opinion, that such a report had never been presented to parliament upon so grave and important a subject. As to the statement in the pamphlet, that the first Resolution belonged wholly to the hon. baronet, the only mistake he had committed in that was, that he had not been gifted with the power of prophecy; for when the assertion was made, no other person, except the hon. baronet, had addressed the House upon that proposition. With regard to the Eton tables, if the hon. baronet had read his speech, he would have found the reason stated, why he (Mr. Rose) had deducted only one ninth, instead of two. He had applied to the Registrar of Eton College, and had received from him a certificate, which, if he had anticipated the objections that were made, he could have brought in his pocket; from which it appeared that the wheat supplied at the Eton market was not the best wheat, but what was called the middling wheat; and therefore, the second ninth ought not to be deducted in reducing the Eton to the statute measure. He should not trouble the House with replying minutely to what had been advanced by the hon. baronet, but content himself with stating his firm conviction, that in every thing which he had brought forward in his speech, he was borne out by facts.

The *Chancellor of the Exchequer* submitted, whether it would not be better, as the question respecting the report which the hon. baronet defended, had been already decided, that the House should resolve itself into the committee in which the right hon. gentleman had given notice that he intended to propose a new resolution.

The House then resolved itself into the committee.

The second Resolution, for prohibiting the importation of corn, except under the scale suggested by Mr. Huskisson, was then read from the chair; when

Mr. *Foster* rose, and observed, that the main object which the House had in view was, to increase the quantity of corn in this country, and to prevent the necessity of applying to a foreign market for supplies. In former times, Great Britain, by the wisdom of the measures which she pursued, had completely obviated all necessity for the importation of corn. Her agriculture was then encouraged and promoted, and means were taken to prevent a competition in the market, by the produce of other countries. Within the last half century, however, the policy of the state seemed to have been completely changed; and instead of being independent of, our very existence had depended upon, foreign states; our agricultural interests had been neglected; and those wise maxims, which had produced such beneficial effects among our ancestors, had been totally abandoned. The folly of this course had now been carried home to the breast of every thinking man; and it was clear, that the best course which could be pursued, would be to go back to the old original principles, by which so much real advantage had been gained towards upholding the agricultural prosperity of the kingdom: we should see that a fair profit was allowed to the farmer; and that he was not met in the market by those who, possessing advantages superior to him, were enabled, by selling their commodity at a cheaper rate, totally to exclude him from all opportunity of reaping the fruits of his industry. In the year 1670, when a prohibitory Act was introduced, the price at which corn was allowed to be imported was *2l.* 13*s.* 4*d.* which, with the duty of 8*s.* made the price below which no importations were allowed, *8l.* 1*s.* 4*d.* per quarter, and this had the effect of completely preserving the landed interest of the country. In any legislative measure which might be adopted with the same view at the present period, however, it should be recollected, that the value of money was considerably altered; and the same rules which were then applicable, might not now be productive of an effect equally advantageous. According to the system pursued by our ancestors, the prohibitory price of corn, calculated by the increased power of money, ought to be 7*l.* 4*s.* 4¾*d.* per quarter; and to this a duty of 1*l.* 1*s.* 4*d.* being added, the real prohibitory price would be 8*l.* 5*s.* 8¾*d.* Gentlemen would be surprised at this amount; but such was really the price at which, according to the alteration in the circumstances of the times, corn ought to be taken, in order to afford a similar encouragement to the agriculturist. He did not mean, however, to propose this as the price upon which the House should fix on the present occasion; at the same time he thought we ought to take the price at such a sum as would effectually shut out the foreign grower from interfering with our farmers. If corn became scarce, he saw no reason why we should not have recourse to those systems of œconomy which had hitherto been found expedient; and not by a constant fluctuation of prohibitions, and taxes, and bounties, distract the attention of the agriculturist, and prevent him from pursuing that uniform course which would in the end place the country upon that basis of independence which all must desire, and which was essential to the maintenance of our power and dignity. It was curious to examine the multiplicity of measures which had been adopted within the last half century for the regulation of the corn trade. From the year 1765 to 1770, fourteen Acts of this description had been passed—from 1770 to 1780, eight Acts—from 1780 to 1790, seven—from 1790 to 1800, eleven—and from 1800 to 1813, twelve, in all 52 Acts, in the course of 55 years. With such an accumulation of alterations and changes as these, he would ask, how it was possible for the agriculturist to know what he was about, or to form an idea of what course it would be best for him to pursue, to promote his welfare? How different was the policy of the preceding half century, during the whole of which period only four Acts respecting the regulation of the corn laws had been passed. Could any thing shew more strongly the necessity of conforming the new law to the principles of antient policy—principles which he was prepared to contend, at the same time that they would uphold the interests of the grower, would equally protect the consumer? In enumerating the objectionable Acts which had been passed within the last ten years, he had made a mistake, by including that which had been introduced with respect to Ireland, in 1806. Upon this Act he had heard many eulogiums passed; and he felt it his duty to say, he considered that every Irishman ought to feel infinite gratitude to the right hon. bart. (sir John Newport) who had been its parent. By that Act the interests of Ireland had been promoted in an essential degree; and a practical proof had been given of the policy rather of encouraging our own agriculture, than of looking to other countries for support. After this, he did hope that we should no more hear of sixteen millions being sent out of this country to cultivate the wastes and enrich the inhabitants of foreign states. Ireland, he had no doubt, would, if properly encouraged, prove competent to supply all our wants, and to supersede the necessity of importation altogether; and in return, she would be one of the best customers which the country had for her manufactures. In entreating the House to be guided by his suggestions, however, he begged to be understood as not imploring any new boon; all he wanted was, to prevent a retrograde motion in the progress which had been already made towards improvement; and to effect this, he thought he might safely propose the price *5l.* per quarter, as that at which the prohibition might cease. The average price of corn for the last few years had amounted to this sum; and he apprehended it might be safely adopted as one which, while it would effectually guard the interests of the grower, would also prevent the consumer from sustaining any injury whatever. If this sum was thought too high, it was in the power of the House to lower it. His wish was, rather to promote unanimity than to excite discontent; but to the graduated scale he felt the strongest objection; inasmuch as he thought it would tend to promote a degree of complexity and confusion, against which, for every reason, it was desirable to guard. The prices now were regulated by the price in the twelve maritime counties of England. The prices in Ireland were 12*s.* lower; so that the British farmer was better protected by 12*s.* than the Irish. He would now propose, that the protecting duty should cease and determine when wheat arrived at 100*s.*; rye, peas, and beans, at 66*s.*; barley at 50*s.*; and oats at 33*s.* except when imported from our American colonies.

On the question, that the original words stand part of the Resolution,

The *Chancellor of the Exchequer* observed, that there appeared to him to be very little difference of opinion in the House respecting the first and the third Resolutions. The main objection evidently rested upon the second Resolution; and so firmly was he convinced that this ought to be maturely considered, that, rather than consent to the amendment of the right hon. gentleman (Mr. Foster) he should propose to postpone the farther consideration of the whole subject till the next session of parliament. He would appeal to the statute-book for all ages, in proof that no law had ever been introduced which had operated as a distinct and total prohibition of foreign grain. The right hon. gentleman then took a view of the different propositions; and observed, that though the value of money had considerably diminished of late years, yet for a century before it had been regularly on the increase. But the graduated fall was calculated on the present diminished value, as if that were never to change. On the whole, respecting importation, as we cannot undertake to supply ourselves, we must apportion the price so as to ensure the article at a moderate rate to the consumer. It would be unsafe and unwise permanently to fix any price at present; and even if the scale of his hon. friend were approved of, he should propose that it should only be adopted for a limited time, till its permanent propriety could be ascertained; for if you exclude a part of your supply, you force the whole of the demand upon the remaining part. He viewed the experiment of economy on the prime necessaries of life as a very unwise attempt; but he would agree with the hon. gentleman that nothing was so injurious to agriculture as unsteady prices; yet it was only by the resolution of parliament to avoid frequent interference with them, that they could be properly regulated. In short, the public must learn a great moral lesson: they must be prepared to see, without dissatisfaction, great quantities of corn stowed in warehouses, and even shipped for exportation, when the prices are high; and they must learn to trust, with confidence, to the wisdom of parliament for due and salutary provisions. In every instance, and in all ages, the government had enacted a graduated scale, according to the exigencies which required it.—After answering a variety of objections that had been raised relative to average prices, the right hon. gentleman adverted to what had been said respecting Ireland. It did not appear to him, that Ireland had any reason to complain, as she was put on the same footing as Great Britain; her exports and imports being regulated by the same duty; while the average prices, from whatever country taken, must apply to the whole. If the British prices appeared to be higher than they really were, as relative to Ireland, they would not at all affect the general principles of calculation. But if the right hon. gentleman wished to have foreign corn excluded altogether, let him say so, and the course to be pursued would be clear. If the graduated scale of duties were adopted, he did not anticipate any very grievous evil to arise from it, even though there might be some error in the amounts; and he thought it would be best likely to reconcile the feelings of the country with the interests of the farmer. On the whole, in his opinion, the Resolutions now before the House, with the exception already mentioned, seemed to possess all the best principles and ground-works for the regulation of corn; and if they contained no very material error, the attention of parliament might be called to them at any other time. He must take occasion to observe, that the price for years past had been affected by a variety of extraneous circumstances; but the Resolutions before the House would afford a stepping stone, if he might so call it, from one scale of prices to another more modern, and more likely to be beneficial. On the grounds which he had stated, he must feel it his duty to dissent from the proposition of the right hon. gentleman.

Mr. *J. P. Grant* thought that no proposition could be more plain than this, that the commercial, agricultural, and manufacturing interests of the country were inseparable; and that all of them, as far as the object could be accomplished, ought to be put on an equal footing. The right hon. gentleman (the Chancellor of the Exchequer) treated this question as if it were one on which the House and the country had no experience. He seemed to regard it as if we were in a new situation, one in which we were called on to legislate on a speculative ground; and as if the present was entirely a new case. He (Mr. Grant) entertained great respect for the opinions and authorities of his hon. friends on the other side; but still he must be excused for saying, that he felt much more attached to the evidence of experience; and, if he found that a system had been acted on with success for half a century—when that system was departed from, that contrary effects were produced—when he saw the former system again acted on, and again the same consequences produced—whether these effects necessarily followed from the systems or not, he could not resist the conviction, that there must be a connection between these opposite systems and their effects. He could not help saying, when he saw one system produce happy effects, and another system produce consequences exactly the contrary, that he must regard this as something more than the mere effect of chance. He could not help thinking that gentlemen were bound to shew him, in such a state of things, that there were other reasons which might have produced, and had produced, those effects. To judge of the force of this observation, he should take the averages of certain considerable periods at the different times he had alluded to, and should see what effect the two contradictory systems had, at those various periods, produced on the price of grain. We had no returns of the price of grain prior to the year 1605, when the first return of the price of grain was made. He should state it without making any deduction. The average of the first 11 years was *2l. 1s. 6d.* From the year 1620 to 1625 the average price was *2l. 2s. 3d.* ⅗ths. During the next ten years the average price was *2l. 10s. 5d.* being one sixth more; and, during the following ten years, the average price was *2l. 17s. 3d.* being about one seventh more: or, during the operation of the system pursued in the reigns of queen Elizabeth and king James, a rise of about *16s.* Then the system was reversed, and a great rise took place in the price of grain; but, about the year 1700, the old system was again restored; and between that period and the year 1765, a fall of more than one fourth took place below the average which had existed before this old system was again called into operation. So that, notwithstanding the lapse of 160 years, and notwithstanding the great depreciation of money within that period, the monied price of corn was then exactly the same that it had been 160 years before.—Then, once more, after those laws were again abolished, the average price of corn rose within the first 20 years to *5l. 1s. 9d.*; but, deducting for the depreciation of money, to *3l. 16s.* being one half as much again as the average of the former 20 years. So he (Mr. Grant) was entitled to conclude, from what had passed before, during the period of, and since those systems had been acted upon, that those effects to which he had alluded were the necessary consequences of those opposite systems which had at different periods prevailed. By the one of those systems our exports increased, and by the other our exports were entirely done away, and the importation of corn increased in a proportionate degree. The variations in this respect were inexplicable in any other way, than as being considered the effects of this change of system. Why our manufactures should increase and prosper while our agriculture was going backward, or *vice versa,* could only be accounted for on this principle, that equal advantages were not held out to both. No person could be a more sincere friend than he (Mr. Grant) was to a free trade; but at the same time he thought that a free trade should be extended equally to all the objects of industry. To the graduated scale proposed by the hon. gentleman (Mr. Huskisson), he (Mr. Grant) had a strong objection, because it did not fix any precise rule, nor point out to the farmer any distinct point to which he could look for the regulation of his conduct. It was a great error to suppose that the value of land was raised by an increase in the price of corn. It was raised by the increase of the profit of the farmer, and that depended not on the increase of the price of corn, but on the increase of the demand for it. It was so in manufactures. The muslin gown, worn at present, from its cheapness, by a woman of the inferior classes, was one which a lady of rank, in the days of our grandmothers, could scarcely have afforded to purchase. Yet, was the muslin manufacturer of the present day poorer than the muslin manufacturer of former days? No. Because, although the price of his manufacture had so considerably diminished, yet the demand for it had more than proportionably increased. His profits, like those of the farmers, depended on the quantity which he could produce, and that again depended on the capital which he was able to employ. It was another error to say that the price of labour depended on the price of corn. America and the Netherlands, as contrasted with Holland, afforded sufficient refutations of this assertion. The price of labour, like the price of every thing else, depended on the demand for it. In times of scarcity labour was cheaper than the average price, and in times of plenty dearer; because in times of scarcity the labourer was compelled to work more, and in times of plenty he was induced to work less, than his average allowance. If the committee would refer to the enquiry made by the House of Lords, in 1812, into the existing distresses of the manufacturing districts, they would find it established by evidence, that those distresses arose, not from the price of corn, but from the want of employment. He was anxious to satisfy the committee that the question before them had nothing to do with the enjoyments of the people, even if the effect of the regulation were to raise the average price of corn, which he was satisfied it would not be. There were two great objects which the legislature ought to have in contemplation on this subject; the first, to keep corn at as steady a price as possible; the second, to supply some fund for occasional deficiencies. He was firmly persuaded, that this country would depend on itself for its supply, and it ought to do so. What hazard could result from making it do so? A free exportation had been already enacted: If to this were added such a demand in the home market as would induce the farmer to cultivate more industriously, in the hope of a fair profit, that desirable object would be attained. Although he was disposed to go further than the proposed Resolution—although he would willingly return to those laws, from the period of the abandonment of which the decay of the country had commenced, and give a bounty on the exportation of corn—yet even the adoption of this limited measure he was convinced would render us an exporting country; without being which, we could never sufficiently guard against a recurrence of the evils which we had endured from the enormous variations that had of late years occurred in the price of grain. On all these grounds, he should give his most cordial support to the proposition of the right hon. gentleman.

Mr. *Frankland Lewis* expressed his complete and unshaken conviction, that if the subject were left to itself, the country would be placed entirely out of danger with respect to it. It was strange, that, although it was generally admitted in theory, that all legislative interference in matters of food and commerce was pernicious, yet this maxim seemed invariably to be laid aside, as something too good for practice. The committee ought to follow the example of Mr. Pitt, who did all he could to set the trade of the country free from restrictions; and that with a view not only to relieve our own commercial system, but to introduce the same liberal spirit into the commercial system of other nations. One great tendency of this enlightened policy was, to secure the blessings of peace; as it was well known in history that nothing had more effectually fomented war, than those petty jealousies and quarrels which had arisen from the commercial regulations of different states. Unless the agricultural interest should show a sound reason for departing from this principle (which he contended they had not hitherto done), it ought to be tenaciously adhered to. As it was, it was proved by an official document, that at the present moment grain could not be imported from the Baltic at a lower price than 78*s.*; and that without including the profit of the merchant. With that addition, grain so imported could not be sold in the English market under 84 or 85*s.* Did not this fact afford an absolute proof that the agricultural interest was in no danger? Had not the farmer all the protection by it which he could hope or desire? As to the large importations which of late years had at various periods taken place, he was persuaded that the agricultural interest had materially benefitted by them; for, by sustaining the enormous growth of our manufactures and population, they had eventually raised our agricultural system to the astonishing perfection to which it had arrived. At intervals during this period of increase, the country had experienced a scarcity amounting almost to famine; and therefore, had not the increasing manufacturing population been maintained, and nursed, and cherished, and fostered, by the very importation which was now complained of, it would not at present be in existence. In his opinion, a steady price was more likely to prevail with a free trade than with a restricted importation; for the only rational hope of remedying a local inconvenience was, by having recourse to a wider surface of the world. The argument, that parliament must continue to legislate on the subject, because it had already legislated so much, was absurd. What was the object of all the legislative provisions that had from time to time been made? To remedy the evils occasioned by previous legislative provisions on the same subject. What had been the object of the Act of 1663? To destroy two obnoxious preceding Acts. What had been the objects of the 51 Acts that had since passed? Did not each of them, in succession, proclaim the failure and imperfection of its predecessor? He must oppose the Resolution.

Mr. *W. P. T. L. Wellesley* supported the proposition made by his right hon. friend, convinced as he was that the agriculture of the country was brought to such a state of perfection as would, at least, easily enable us to supply our own consumption of grain.

Mr. *Rose* contended, in opposition to the arguments of an hon. gentleman opposite, that the high price of bread was of material importance to the labourer; and that either he must seriously suffer, or it must be made up to him by an increase of wages. Adverting to former regulations, he shewed that it had uniformly proved injurious to fix the price of corn by parliamentary enactment. In 1791 it had been raised 6*s*. a quarter; in 1804 it had been raised 17*s*. The rise now proposed was 40*s*. a quarter; and he would venture to assert, that if the committee adopted the Resolution, 106*s*. a quarter would very shortly be the minimum.

Mr. *Huskisson* argued at considerable length, to prove that it would not be easy to make this an exporting country, by reverting to the system of our ancestors. The increased population of the country had, he believed, compelled our agriculturists to cultivate land that our ancestors would have rejected. It had been truly said by a right hon. gentleman, that the protecting price would not be the price at which corn would be sold in the home market. Experience, and the evidence of the existing case, proved this. If last year the price at which importation was to be prohibited had been fixed at 95*s*. could it be seriously thought by any one that corn would be now selling at 95*s*.? Was not the present price the consequence of our own abundant supply? He by no means wished that corn should be dear. He wished it to be cheap, provided that cheapness was the result of the capital and the industry of this country. He disclaimed having said that 87*s*. ought to be the lowest price; and he preferred a graduated scale to a fixed prohibition, as it would afford greater facilities for keeping down the price if it should become too high. Nothing could be more simple or intelligible than the application of this scale. The foreign importer would know that every shilling that corn rose or fell would operate to the extent of two shillings on his importation. A much more complicated scale was applied to the importation of sugar, but no difficulty arose from that circumstance. Nor would there be any difficulty in the application of the graduated scale to Ireland; although, as it was not likely that there would be much importation in that country, a lower average might perhaps be taken for it. He perfectly coincided in the suggestion of his right hon. friend the Chancellor of the Exchequer, to leave the subject open to revision at no very distant period, impossible as it was to foresee the various circumstances and changes which might occur, operative upon it. By the present provision, however, the ensuing alarm would be allayed—not among the landholders, for he was persuaded that they had no greedy or grasping expectations—but among the occupiers of land, who had a claim on the justice of parliament to protect their interests from deterioration. He hoped, therefore, that the committee would adopt the graduated scale, as it would do enough, and not do more than was necessary.

Mr. *D. Giddy* approved of the proposition of his right hon. friend (Mr. Foster), in preference to the graduated scale; but thought 5*l*. too high a price to fix. If he were called upon to name a sum, he should say 84*s*.

Mr. *Foster* expressed his readiness, provided the principle of his proposition were acceded to by the committee, to fill up the blank with 84*s*. or with any other sum that, in their judgment, would be expedient. With their leave, he would withdraw his resolution, for the purpose of making that alteration in it.

The *Chancellor of the Exchequer* observed, that his right hon. friend need not do that until the committee had determined whether or not to adopt the graduated scale proposed by his hon. friend. That was the question upon which they were now called upon to decide; and for one, he should pronounce an unequivocal affirmative.

Lord *Milton* agreed with the right hon. gentleman opposite (Mr. Foster) in his objection to a graduated scale.

Mr. *Canning* thought the graduated scale was the least objectionable measure, as doing least; for he had considerable doubts whether it was necessary or proper to do any thing but what had been done; namely, the allowing the free exportation of grain. But as he did not think proper to erect his judgment against the committee, he should agree to the graduated scale; not precluding himself, on any future stage, from examining it, if he should then think proper. He hoped, however, that no legislative measure would be adopted on any resolution which was not unanimously adopted, without a due time being allowed to make it known to the country. Whatever measure was adopted, he hoped would be merely temporary.

The *Chancellor of the Exchequer* said, he intended to propose, that whatever measure was adopted should be temporary; and that he should not attempt to carry any measure quickly into a law which was not unanimously received.

Mr. *Western* expressed his disapprobation of the graduated scale, on the ground that it would afford no sure protection to the farmer.

Sir *J. Newport* said, he should support the graduated scale, not as the best measure possible, but the best which it was probable would be carried.

After a few words from Messrs. Huskisson, Foster, and H. Thornton, the House divided.

For Mr. Foster's Amendment -	60
Against it - - - - - - - -	81
Majority - - - -	—21.

The Resolution, in its original form, was then agreed to.

HOUSE OF LORDS.

Wednesday, May 18.

CIVIL LIBERTY.] Earl *Stanhope* rose to move the second reading of the Bill to abolish Mesne Process. In order to prevent any misinterpretation of his sentiments respecting lawyers, he observed, that in the profession of the law, as in all other professions, there were good, bad, and indifferent individuals; but there was this marked distinction between that and other professions, that those who belonged to the legal profession, and who possessed integrity and ability, and a desire to do right, had more power to do good, and were more valuable members of society, than any other persons; while on the other hand, if they were guided by different motives, and were instigated to do wrong, it was in their power to do more mischief than could be done by any other class of men. The preamble of the Bill which he had introduced to their lordships, after reciting Magna Charta, went on to declare that mesne process was contrary to the ancient law of the land. On this point the lord chief justice of the court of King's Bench had thought proper to contradict him, and, in order to establish his proposition, had quoted three acts of parliament which he (lord Stanhope) knew were actually not in existence, having all been repealed shortly after they had been passed. This fact he pretty well knew at the time of the Lord Chief Justice's statement; but he thought that it would not be respectful to their lordships, or the person who had made such a confident assertion, to contradict it without due examination. After having closely examined the statute book, he would now distinctly declare, that it did not contain one single Act in support of mesne process. With respect to the first statute, that of Henry 3, it did not go on the principle of mesne process, but only to attach the bodies of those not possessing lands or tenements, who might withdraw themselves, to compel them to render an account, and not to pay. But even if it were not so, still this statute afforded no contradiction to the preamble in his Bill, that mesne process was contrary to the law of the land; for it had been repealed. The Lord Chief Justice had quoted two other statutes, which had both been also repealed. There was knowledge in a lord chief justice! The Act of Edward 1, which was the next, extended the attachment to all receivers, and they were to be imprisoned in irons! There was a beautiful act for a friend of liberty to quote! Would the chief justice venture at this day to put that Act in execution?

One of his own (earl Stanhope's) receivers was a professional man. Suppose that at the time when he ought to account, one of his clients came to him, and insisted on having his will made without delay; or suppose a client wanted to have a marriage settlement prepared, and would not consent to a moment's delay; was he (earl Stanhope) to put him in irons because he did not immediately make up his accounts? Another of his receivers was a justice of peace. Was he to imprison a justice of peace and put him in irons? Then, there was another Act of Edward 3, but all these were gone. The spirit of the ancient law then, was, that none should be imprisoned but after trial by his peers. Magna Charta was in our old statutes called the great Charter of our liberties. It was less respected now. It was stated to be a declaration of the old common law. Why then, it might be asked, had it been passed? For the same reason that the Bill of Rights was passed after the violations of the law by James 2. By the 25th, 37th, 38th, and 42d of Edward 3, no one was to be imprisoned till he was put upon his defence. The next Act that bore on the subject was that passed in the reign of Henry 4, for the regulation of attornies, the number of which it stated to be very mischievous to the community. It called them "contentious;" and if their lordships preferred that phrase to "pettifoggers," he should have no objection to substitute it in his Bill. It went on to limit the number of attornies, "to prevent them from being vexatious to the people," and fixed the number at six in Norfolk, six in Suffolk, and two in Norwich. He would to God their lordships would now count the attornies, and reduce them to that number! On this subject, there had been continual battles, between the enemies of liberty, on the one hand, and those who supported liberty, justice, and common sense, on the other. Perpetual encroachments were made, and as perpetual efforts to put them down. Adverting to the preamble of the 8th of Elizabeth he expressed his readiness, if required, to substitute that for his own. It reprobated, as his did, the arrest or attachment of persons, against whom, when they were brought to answer, no declaration was made, and who were thereby exposed to great hardship and expence; and the Bill enacted, that a declaration should be put in, in three days from the arrest,—and not delayed, as it now might be, for seven months; which was a most horrible injustice, and contrary to reason and common sense. A great legal man had once told him, that he could not reconcile mesne process to any principle of reason or common sense. Many instances had come to his knowledge of the shameful hardships consequent upon it. A naval officer whom he knew, after an absence of four years, returned home, not owing a single shilling; but, by direction of some harpies of attornies, he was arrested in ten minutes after his landing at Chatham, and must have gone to gaol, had it not been for a noble admiral, and a tradesman of the town, who became bail for him. The whole originated in a mistake. The naval officer went to consult a lawyer on the occasion. The lawyer told him, that the event of a law-suit must inevitably be in his favour. When asked, however, how much the suit would cost, he replied, not above 100*l.*! Now as the sum for which he had been unjustly arrested was but 30*l.* the naval officer begged the lawyer's pardon, and said he should prefer paying the money demanded. He had seen, within the last fortnight, another officer who had returned home after spending 17 years in his Majesty's service. He owed a person 20*l.* which he had never paid, because he had received a letter from his creditor desiring him to suit his own convenience. He was, however, pounced upon by mesne process. And to how much did their lordships imagine a conscientious attorney contrived to run up the costs in two months? To 150*l.*! Was not this scandalous? Was the authority for such a nefarious practice to be permitted to remain on the statute book? Another person, a respectable merchant of the name of Maule (his were not sham cases), having gained a law-suit, gave his attorney power to receive the proceeds. To his great surprise, however, the attorney, without asking leave, reserved out of these proceeds 30*l.* for himself. Mr. Maule, on this, applied to an honest attorney (a plant of rare growth), who scratched out most of the charges, and signed his name at the bottom of the bill. On Mr. Maule's expostulating with the first man on his exorbitance, the insolent answer was, "if the money is an object to you, it is none to me; take it back." The more he investigated these subjects, the more he was persuaded, that as the mystery of special pleaders was to annul common-sense (an opinion which he had before advanced in that House), so the mystery of attornies was to annul common honesty. Hudibras had very justly and very finely apostrophized them :—

> "You pettifoggers! damn your souls!
> "Who share with knaves in cheating fools!"

The mesne process was peculiarly injurious to commerce. A merchant could not always command his capital; and if suddenly attacked, he must frequently stop payment and be ruined; for bail was not always to be obtained. The other day a merchant, so arrested by mistake, was ruined in consequence, the circumstance having completely thrown him on his back. And in one of the ablest and best reasoned letters that he had ever read, it was observed by the writer, that he would rather trust a man with a smaller capital if there were no mesne process in existence, than a man with a large capital if the mesne process were in force; because the mesne process might bankrupt the one, from which evil the other might be exempt. On that subject much useful information would be found in an admirable pamphlet, written by a barrister well known in Westminster and at the Westminster elections, Mr. Jennings, entitled, "A Free Enquiry into the merits of lord Redesdale's Bill." There was another class of persons to whom mesne process was very injurious. He appealed to the bishops, some of whom had once been poor themselves, in behalf of their poor brethren. A reverend clergyman, with a large family, oppressed by illness and other evils, might be suddenly taken by mesne process and dragged to gaol, there to lie, exposed, perhaps, to the severest rigours of winter, for seven months, without knowing why, and for 12 or 15 months without a trial of his case. This English slave trade was worse than the African slave trade. The African slave trade affected only individual negroes; but in this not only the individual immediately affected was in all probability ruined; but when he fell, others fell in succession, like a set of nine-pins. As, therefore, their lordships, in their justice, humanity, and policy, had abolished the African slave trade, he trusted they would assist him in abolishing this English slave trade, which was more cruel because applicable to a greater number of persons.

Lord *Ellenborough* repeated his assertion on a former evening, that the recital in the preamble of the Bill introduced by the noble lord—namely, that mesne process was contrary to the ancient law of the land—was unfounded; and added, that no difference was made in the question, even were the three statutes to which he had referred repealed, which he did not believe they were. But if he had only quoted the 53d of Henry 3, (enacted so soon after Magna Charta), it would appear by that statute, that persons were then liable to be held to bail on mesne process. The preamble of the Bill stated, that attachments, of the nature to which the Bill referred, were against Magna Charta. That he positively denied. They were as old as the law. Arrest for contempt was essential to the protection of all the courts of justice, and was coeval with the establishment of those courts. It was a perverted view of Magna Charta to say, that mesne process was in contradiction to it. But if it had been so, was not a subsequent legislative proceeding—that of the 53d of Henry 3, equally potent? At all events the Act of Henry 6, in 1444, defined the mode in which persons arrested on mesne process should be delivered on putting in bail to the sheriff; so that the practice which the noble lord had pronounced contrary to the ancient law of the land, had unquestionably existed 370 years. Since that period, certainly, every thing had been done to mitigate the evils and inconveniencies of arrests. By the statute of the 13th Charles 2, the material alteration was introduced, that unless a party stated the true cause of action, he could not hold to bail for a larger sum than 40*l.* That Act also, let it be observed, referred in its preamble to the antiquity of mesne process; for the preamble commenced thus: "Whereas by the ancient and fundamental law of the land, &c." Still, however, it was not provided, that the party should swear to the cause of action until the 12th of Geo. 1, which enacted, that unless a party made affidavit of the cause of action, he should not hold to bail for a sum less than 10*l.* in the superior, and 40*s.* in the inferior courts. By a recent Bill the sum of 10*l.* had been increased to 15*l.* at which it stood. In actions of trover, in which the value was very uncertain, the judges had interfered, and had declared that no person should in future be held to bail in trover, but under an especial order of the court. And it had so happened, that few instances had occurred in which parties in trover were allowed to hold to bail at all. In cases in which parties sought their remedy by action, if it proved to be a malicious proceeding—if, for instance, in a case in which 100*l.* was sought only 20*l.* was recovered, the parties so proceeding not only did not obtain their own costs, but were compelled by the court to pay the costs of the defendant. Soon after he had the honour to fill the judicial situation which he held, a noble lord brought into the House a Bill similar to the one now proposed. On that occasion, the late lord Kenyon, an individual of unimpeached justice and humanity, having inquired how many persons arrested on mesne process paid at once, and having found that in a great majority of cases that was done, opposed the Bill, and argued as he (lord Ellenborough) did, that however painful the usage might be in some cases, yet that in a great multitude of instances nothing could be more beneficial or more humane to the parties arrested. The noble lord had treated the subject as if it had become peculiarly vexatious at the present moment. He would distinctly deny the inference, that the laws were strained for the oppression of the subject. Every possible care was taken to qualify and mitigate them by the superintending vigilance of the courts of justice. If any abuse existed in the courts of Westminster-Hall, if any act of oppressive severity had taken place in them, he called on the noble lord to adduce it. Situated as he was, it might not be seemly in him to speak highly of the profession of the law; and yet there were occasions, (and this appeared to be one) in which a member, however unworthy, of a profession was called upon, in justice to that profession, to disclaim the imputations which had been thrown upon it. He had sufficiently proved, that the usage in question was in conformity to the ancient law, and was not a vexatious innovation. If the noble lord continued to attack it, therefore, he must attack it on another principle. On this subject he would trouble the House no longer. He had been induced to smile at some of the noble lord's observations; but that was the only compliment he could pay him.

Lord *Holland* could not permit this subject to pass without saying a few words, in consequence of what had fallen from the noble and learned lord. He must say, that, with respect to the antiquity of imprisonment under mesne process, it was better known to the noble and learned lord and to his noble friend (earl Stanhope) than to himself; but there was nothing stated on the other side which convinced him that it was not contrary to the antient law of the land. When he mentioned the law of the land, he did not mean any statute since the reign of Richard 2, but what was before that reign considered the common law. But whether it were of more antient or modern existence, he concurred in giving his vote for the present measure, because he was convinced the law of arrest was liable to great abuse; and it had rarely answered the purpose for which it was intended, to compel the payment of the debt. Upon a former examination it was found, that in the majority of cases of imprisonment the debt was never paid. He was not prepared to say but many words might be altered in the Bill, and many alterations introduced into it in the committee; but even then it might be found, from other difficulties, inexpedient to pass such a measure; yet he considered it his duty to support the principle; for it had always been his opinion, and remained so to the present day, that imprisonment of the debtor was not the intention of the law itself, and that it completely failed in accomplishing its true object, which was the recovery of the debt. The noble and learned lord had not treated his noble friend's Bill with the candour that usually belonged to him; but if the expressions were not technical, he liked them the better; for he was anxious that acts of parliament should be so framed as to meet not only the understanding of their lordships, and men learned in the law, but also that of the people in general. The noble lord concluded by expressing very strongly his concurrence in the principle of the measure.

The *Lord Chancellor* put the question from the woolsack; when a division was called for, and strangers were ordered to withdraw.

The House having divided, the numbers were—

Contents - - - - - - - -	10
Not Contents - - - - - - -	43
Majority against the second reading	33

Earl Stanhope next moved the second reading of the Bill for the protection of poor debtors; when the question was put, and negatived without a division.

HOUSE OF COMMONS.

Wednesday, May 18.

REPORT ON THE CORN TRADE.] Mr.

Gordon reported from the committee of the whole House, on the re-committed Report from the committee of the whole House, to whom it was referred to consider of the motion made upon the 2nd instant, that it is expedient that the exportation of corn, grain, meal, malt, and flour, from any part of the United Kingdom, should be permitted at all times without the payment of any duty, and without receiving any bounty whatever, the Resolution they had directed him to report to the House; and which was as follows:

1. Resolved, That it is expedient that the several duties now payable in respect of all corn, grain, meal, and flour, imported into the United Kingdom, should cease and determine; and, that the several duties in the following schedule shall be paid in lieu thereof, for a time to be limited.

The Schedule of Duties will be found in pp. 725, 726.

The Chancellor of the Exchequer moved, that the House should adopt the Resolution.

Mr. *Calcraft* said, it would be necessary for him to make a great deal more inquiry into this subject, before, in the present circumstances of the country, he could come to any determination upon it. He considered the proposition as totally inapplicable to this country. It was as much the interest of land-owners that there should be an abundant supply of corn at a moderate rate to the people, as it was the interest of the people themselves. He allowed, that it was necessary rents should rise in proportion to the expence of living; but if other things fell, he saw no reason why rents ought not to fall also, when land was let too high. In Ireland and Scotland, where land was let a great deal too high, nothing but the adoption of a proposition like that now before the House could keep them from falling. He merely took this opportunity of saying a few words, that he might not be pledged to any system, unless he saw his way much clearer than he did at present.

Mr. Alderman *Atkins* said, the hon. baronet knew very well that the principle of the Report obtained his approbation in the committee; but the Report had been so altered from what he thought to be the understanding of the committee, that he could not agree to it without farther enquiry. It was his opinion, that the sum to be fixed by them ought not to go beyond 80*s.*; and it was his intention therefore to propose, as an amendment to the Resolution, to begin with a duty of 20*s.* when the price was 60*s.*; 15*s.* when the price was 65*s.* and so on, the duty regularly decreasing in the same proportion, till the price came to 80*s.* when it should cease. Till he saw that the agriculture of the country could not go on without a measure like the present, he was unwilling to consent to a prohibition of the importation of grain.

Mr. *Pole Carew* had no doubt of the ability of this country to maintain its own inhabitants, when he considered the extent of land still uncultivated. In his opinion, the leading features of the Report were incontrovertible.

Mr. *Bankes* thought that another committee ought immediately to be appointed. A great deal of matter had fallen from several gentlemen in the course of last night, which was well deserving of consideration. A great many accounts were still wanted; and they ought also to have the oral testimony of those persons who were best acquainted with the state of the corn trade in this country. They were ignorant of the state of the import trade at this moment; and they ought to have the accounts brought up to the latest time; that is, from January to April. He conceived that it would be best to have a select committee appointed. By the employment of due diligence, in the course of a fortnight the committee might actually be enabled to lay before the House much valuable matter, without which it would neither be honourable for themselves, nor safe for the country, to proceed further in the present subject.

Mr. *Thompson* said, the present discussion must have removed many misapprehensions on the subject. He merely wished to say a few words in favour of the growers of corn, who had a great claim on the indulgence of the House. All he wished was, that the farmer should have a reasonable profit after the payment of rent and taxes; but this would be impossible, if foreigners were allowed an unrestrained competition with him in the home market. While the trade in every other commodity was restricted, it would be unsafe for that in corn to be free.

General *Gascoyne* thought the House ought to have all possible information on the subject now before them. Within these few days, great speculations in corn had been made; on the certainty, that if this measure should be adopted, a great rise would take place in the price of that commodity. But whatever ultimately might be the decision of the House, it would be satisfactory to the people to know that every inquiry had been previously gone into.

Mr. *Huskisson* rose merely with a view to notice the observation which had fallen from the hon. gentleman who spoke last, regarding the speculations in corn. It was quite impossible, in his opinion, for any person not to perceive that, from the supply of grain at present in this country, there was no probability of any rise in price before harvest. This was one reason for his wishing to proceed with the subject at present. There were many persons in the House desirous of defeating the measure; and at the present advanced period of the session he should despair of any report of a committee being laid before the House in any reasonable time to admit of subsequent discussion; and thus agreeing to a select committee would be the same thing as putting off the measure altogether to another session.

The question was then put, and the House adopted the Resolution without a division.

The *Chancellor of the Exchequer* moved for leave to bring in a Bill in conformity to the Resolution. In answer to a question of lord Milton, he said, that he was undetermined whether he should propose three or five years, for the period of the Bill. Three years he thought the shortest term which could enable the country to experience the effects of the measure.

Leave was then given to bring in the Bill.

COPY RIGHT BILL.] The House resolved itself into a committee on this Bill, in which

Mr. *D. Giddy* stated, that, from a reconsideration of the clauses, it was wished that this commitment should only be *pro forma,* and that it should be re-committed when the Bill was more completely in the possession of the members. For the satisfaction of those present, however, he wished shortly to run over the clauses of the Bill, as it had been altered and now stood. The clauses provided—1. That it should not be necessary that the copies of books presented to public libraries should be on fine paper.—2. That no book need be presented to these libraries, unless such as were required from the booksellers.—3. That all copy rights should be entered at Stationers'-hall; and that if the author, by a special entry, waved his copy right, he should then only be required to present one copy to the British Museum.—4. That the term of copy right be extended from 14 years certain, and another 14 years if the author was living at the end of the first term, to 28 years certain. There was another clause which the hon. member said had been presented to him by the booksellers; to provide, that improper use should not be made of the books presented to the public libraries, as it had been said that they were sometimes sold. These clauses, on the suggestion of Mr. Bankes, were then received for the purpose of being printed. The House then resumed, and the Report being received, was ordered to be taken into consideration on the 27th instant.

HOUSE OF COMMONS.

Thursday, May 19.

BRISTOL PETITION AGAINST THE CORN BILL.] Mr. Protheroe presented a Petition, signed by 22,445 of the inhabitants of Bristol; setting forth the evils that were to be expected from any alteration in the corn laws, and expressing their confidence that the wisdom of the legislature would avert the threatened evil.

Mr. *Hart Davis* could not forbear saying a few words in favour of the petition of his constituents, to whose interests the passing of the Bill before the House would be a serious injury. He hoped that the new measure would at least be postponed till the next session; as there was not yet that strong necessity which alone could authorise its adoption.

Mr. *Western* congratulated the hon. member on the circumstances of his constituents having so implicitly followed his advice. He understood that the hon. gentleman had thought proper to write a letter to his constituents, informing them that there was a combination between the Irish members and the landed interest of the House, to bring in a Bill for the regulation of the price of corn, which would have a necessary tendency to enhance that price, and advising them to petition against the Bill. It would seem, therefore, that they had lost no time in following the advice of their representative, by subscribing and sending up the petition to him.

Mr. *Protheroe* observed, that the hon. member ought to have known what the contents of the letter were to which he had alluded, before he attempted to make so decided a quotation from it. When the measure was first brought forward, he wrote, not to his constituents, but to the mayor of Bristol, informing him that such a matter was before the House, and that in his opinion, if it were carried, it might tend to raise the price of corn; and he begged the mayor that he would submit the contents of the letter to the people of Bristol, for the purpose of learning their opinions. As this letter had been introduced to the attention of the House, he must beg leave to read another letter which he had lately written in answer to that which he had received from the mayor of Bristol along with the petition. [Here the hon. member read a letter to the House, in which, after stating his receipt of the petition, he expressed his satisfaction to find that his constituents held the same opinions on the subject with himself. At the same time, he told them that it would be their duty, in case the House should pass the measure, to submit to it with patience.]

Sir *Henry Parnell* said, he hoped this second letter would make as deep an impression on the minds of his constituents as the former evidently had done. In his first letter the hon. member had said that the Irish members and the landed interest had combined together for the purpose of keeping up their rents. (No, no, from Mr. Protheroe.) Then if he had not used the word "rents," he had employed that of "interests." Such expressions could not fail to excite the passions of the people against the measure. For himself, he could only say, that in bringing forward the measure, he had never had the remotest idea of raising the price of corn. He believed that the effect of the proposed regulations would be, to make the price more steady, which would be no less a benefit to the consumer than to the grower.

Mr. *Protheroe* begged the hon. baronet, as well as the member for Essex, would take the trouble to make themselves masters of the expressions he had actually made use of, and not impute to him language which he had never held. He had never said that the Irish members and the landed interest were combined together; but merely, that the union of these two interests would, in his opinion, cause the measure to be carried. Viewing the measure in the same light as he did last year, namely, that it was likely to raise the price of corn, he thought it merely his duty to inform the mayor of his sentiments, that through him they might come to the knowledge of his constituents.

Mr. *Horner* could not help feeling that the hon. gentleman had been rather too harshly treated by the gentlemen on the other side of the question. The hon. baronet, and those who agreed in opinion with him, not contented with schooling their opponents as to the mode in which they ought to state their arguments to the House, had also thought proper to go a step farther, and prescribe to them the manner in which they ought to correspond with their constituents. The conduct of the hon. member for Bristol had, in his opinion, been that of an honourable and public spirited member of parliament. Nothing could be more beneficial, than the existence of a free and constant intercourse and communication between a representative and his constituents. Thinking as the hon. member did, even if he had advised his constituents to petition against the measure, it would have been good and wholesome advice: nothing could be better judged, when the minds of men were heated on the subject of any measure, than to advise them to state their sentiments to parliament, and to leave it to the wisdom of parliament to do with it as might be deemed most advisable for the general interest.

Mr. *Huskisson* remembered having seen the letter of the hon. gentleman in the public news-papers. It must have been written before the hon. baronet had brought forward his Resolutions. If the hon. member had taken a little more time before he wrote the letter, it would in his opinion have been better, in a matter of such delicacy as that of the corn laws. That it was written before the Resolutions were brought forward, was obvious from the hand-bill, which called the inhabitants of Bristol to petition against the Bill of sir Henry Parnell, the object of which was to raise the price of bread. Such a statement as this would very naturally induce the people to petition against any measure. The fact was, that there was no Bill of sir Henry Parnell at the time before the House. A Bill had lately been brought in by the Chancellor of the Exchequer, allowing at all times the free exportation of grain; but as yet there was no other Bill before the House. He was as sincere in his wish that the consumer should be protected as the hon. and learned gentleman could be. To the proceedings in parliament the people would look with anxiety, because all were interested in the question; but whenever the measure should be decided on, he trusted it would be decided for the benefit of the community at large, and not for that of any particular interest. He trusted, that in any farther communication with his constituents, the hon. gentleman would continue to inculcate to them the sentiments of his second letter, which none admired more than himself.

Mr. *Protheroe* did not think himself obliged to consult any person in the House about his duty. If his communication had been premature, that of many other members had been more premature. [Here the Speaker informed the hon. member that the conduct of any other member could not be brought forward by him.] An hon. member, adverting to his conduct, had cautioned the House against being influenced by clamour out of doors. He trusted, that he should always be equally on his guard against any clamour in that House. [The Speaker here recommended to the hon. gentleman to confine himself within the limits of the narrowest defence of his own conduct.] Mr. Protheroe concluded by observing, that he perfectly well knew of this measure last year, and that it was only then postponed for want of due time.

Mr. *C. W. Wynn* deprecated all enquiry into the communications between members and their constituents. Had the hon. gentleman entertained the opinions of the right hon. gentleman below him, he would have done wrong in writing as he did to his constituents; but with his sentiments he had acted properly in writing to them. As to what had been said about the Bill not being before the House, the report of the committee of the former year was before the House, and it was notorious that a Bill was about to be brought in by the hon. baronet. An alarm had been then taken by many parts of the country; and if he thought the alarm justifiable, he did right in calling the attention of his constituents to the measure.

The Petition was then read, and ordered to lie on the table.

HOUSE OF COMMONS.

Friday, May 20.

MR. DE BERENGER.] Mr. *Whitbread* said, he held in his hand a Petition, signed by a person who was altogether unknown to him; but whose name had often appeared in the newspapers of late, and who had excited a considerable degree of public attention. The Petition was from one of the persons against whom a bill of indictment had been some time ago found for a conspiracy. He was sure, however, that any individual might approach the House in full reliance on its justice, without having any thing to fear from the operation of prejudice, whatever the accusation against him. It was from Charles Random Baron de Berenger. The Petition stated, that he was at present confined on the felons' side of Newgate, and by reason of his confinement precluded from having the necessary means of defence; and that he had been arrested and detained on false pretences, under a warrant signed by his Majesty's Secretary of State. As the Petition was couched in respectful language, he should therefore move that it be read.

The Petition was thereupon read; setting forth,

"That the petitioner would not presume to address the House, if the singularity of his case, and the extraordinary hardships under which he labours, allowed the smallest hope of relief other than that which he now most respectfully implores at their hands; and that, although a Prussian subject by birth, he nevertheless is the son of an unindemnified American loyalist; that he has resided in this kingdom ever since the year 1788; and that he not only by numerous voluntary, zealous, and disinterested endeavours, but also by 16 years service, has placed his adherence to the oath of allegiance which he took to his Britannic Majesty beyond all possible doubt; and that he was apprehended on Friday the 8th of April last at Leith in Scotland, by virtue of an order issued by the Secretary of State under the Alien Act, but without any specific charge being make known to him; although in a state of sickness, he was, in consequence of such order, forced, under peculiar restrictions and undue humiliations too numerous here to be stated, to London, where he arrived on the morning of the 12th of April perfectly exhausted; and that he was then placed in close confinement at a messenger's lodgings, attended day and night, and on all occasions, by Bow-street officers, without the indulgence of writing private letters to his friends; and although his solicitor was the only acquaintance whom he saw, and that with leave only, even then obstacles were frequently made to his conversing in private with him; and that he there laboured under a dangerous sickness, which however did not, for a considerable time, prevent the aggravating and consequently injurious intrusions of several persons whom the petitioner had declined to see; and that the petitioner, on the 22d of April, addressed a respectful letter to Mr. Becket, as under Secretary of State, repeating what his solicitor had verbally stated, in order to represent urgently that the nature of his illness placed his life in danger, if his confinement was continued, and praying to be allowed to give good and sufficient bail for his appearance whenever called upon: instead of any reply to this reasonable request, the petitioner was, on the 29th of April, about half past four o'clock, without the smallest previous intimation, forcibly hurried to the Old Bailey, there to plead to an indictment which had been preferred, charging him, with some others, with a conspiracy to raise the funds; and although pennyless, as he was known to be (because all his money and clothes, excepting a small change of linen, had, as well as all his papers, been taken from him), it was even with the utmost difficulty that the petitioner was allowed, after firmly persisting in his desire to call for his solicitor in his way, who immediately foresaw that he would be lodged in Newgate, as bail could not be accepted without 48 hours notice, which was rendered impossible by the sudden manner of his being forcibly carried into court without any notice whatever; and that accordingly, after pleading ill, as the petitioner proved, he was, late on the 29th of April, lodged on the felons' side of Newgate, without sufficient money to pay his fees, or to procure even necessaries, where, but for the humanity of Mr. Newman, and those under him, his confinement would have been horrible and insupportable; and that the prosecutors having removed the said indictment to the court of King's-bench, the petitioner was, on the 7th of May, carried into court to plead to the same, after which his bail was tendered and regularly accepted by the said court, the petitioner consenting, without hesitation, to an additional clause, binding his securities to his personal appearance in court on the day of trial, and which he might have over-ruled; and that thereby having entitled himself to his immediate enlargement, it nevertheless was refused on the plea of an order, signed by lord Sidmouth, to detain him in prison, and unjustly and untruly describing the petitioner as an alien dangerous to this realm; whereupon he was remanded to Newgate; and that, in consequence of this unfounded charge, the petitioner, on the 10th of May, memorialized viscount Sidmouth, setting forth, that not only his impaired health and the danger of his existence demanded his enlargement, but respectfully pointing out the impossibility of his collecting by means of his agents witnesses whose persons only he knew, but not their names, and who in like manner alone can recognize him, that such witnesses are indispensable, as much to clear him from the charges he laboured under, as for the purposes of public justice; and that he next distinctly, and by reference to his actions, showed that, as disloyalty or other acts hostile to this nation could not possibly, or even with the slightest colour of plausibility, be laid to his charge, that it was additionally injurious to him that his detention and close confinement should continue under such a form; and he prayed his lordship, for these various and solid reasons, to order his speedy liberation, on his giving reasonable securities, while he also requested the restoration of his money and other properties; and that to this memorial Mr. Becket replied, by letter addressed to the petitioner's solicitor, dated May the 13th, stating, that lord Sidmouth declined his liberation, but that a return of a part of his property should take place; and that the petitioner, with the education and feelings of a gentleman, and under no accusation of felony, has received an irreparable injury, which must blast his future prospects in life, by having been confined on the felons' side of Newgate, although no felony is imputed to him, and although he has complied with every form considerately laid down by the laws, in order that so disgraceful, so indelible, an impediment to future honest employ, as such imprisonment invariably proves, should not be entailed on persons accused of misdemeanour only, who can procure bail; and that the petitioner continues to pine in sickness, but, what is infinitely worse, to labour under singular impediments fatal to his seeking evidence in order to prepare his defence against the accusations of the indictment which will be speedily tried, and while others under the same charge are at liberty, not deprived of their papers or other property, and in a situation to forward their defence without obstacle, attempts, sanctioned by government, are even made in Newgate to interrupt his preparative endeavours, by forcing strangers into the petitioner's room against his will; and that the petitioner, under all these painful circumstances, respectfully entreats leave to draw the attention of the House to these singular hardships and impediments to regular legal investigation, as also to the injustice which deprives him not only of the essential use of his exertions, but, in addition to the privation of his liberty, must stain his character, already artfully misrepresented, with the charge of being a dangerous and disloyal person, which (although resorted to without a shadow of truth) must prejudice the public, including the jury by which he must be tried; and that it next behoves the petitioner to state, that in no instance since his arrest, has he been examined, which, had it taken place, no doubt would have enabled him to have proved his innocence of the charge alledged in lord Sidmouth's warrant, or of any other brought against him, sufficiently to prevent the hardships which, for the want of such examination, he has experienced, and continues to endure; and as it would be unbecoming in the petitioner to attempt to trace the motives for such unexampled severities and obstructions to the preparation of his defence, he prefers to throw himself on the liberality and consideration of the House, entertaining full confidence that it will, in its established wisdom and justice, order such measures as will enable him to seek fairly and without obstacle the indispensable means of defending himself in the mode humanely established by the British laws for the equal protection of all persons accused."

The hon. gentleman then said, he would proceed to make a few observations on the use which had been made of the Alien Act in this case. Presuming that the charge upon which the baron de Berenger had been detained, namely, that he was a person dangerous to the safety of this kingdom, was one on which the Secretary of State believed he was in conscience called upon to arrest him, he had yet to learn how any person so arrested could be deprived under the Alien Act of any thing but arms. The baron de Berenger, however, had been deprived of his papers, clothes, and money. Part of them had been at last returned to him, after a long delay; but the precise effects which were taken from him at the time of the arrest, had not been returned. When the other gentlemen got out on bail, he had been remanded on a warrant, stating that it might be dangerous to have him sent out of this kingdom, and authorising his detention, &c. Now, up to the period of this mysterious transaction, so far from Mr. De Berenger having been considered as dangerous, he was employed as an officer in a corps commanded by the earl of Yarmouth. Unless, therefore, such an explanation should be given as he did not anticipate, he should feel it his duty to move for such a secret committee as had examined into the case of capt. Colville. Mr. Colville had been detained three years, and hopes had lately been held out that he would be soon released; but the House ought to consider, that however short the days might seem to them, there was a long interval from 1811 to 1814, to a person in confinement. He should undoubtedly, therefore, move for the appointment of a secret committee. He wished to remark, also, that no answer had been received to the letter addressed by the baron de Berenger to Mr. Beckett, dated the 19th of April, expressing his surprise that his papers and other things necessary to his defence, had not been returned to him until the 14th of May. This letter also stated, that persons had been intruded on him from the Stock Exchange Committee, with orders from the Secretary of State's office, who put various interrogatories to him. The hon. gentleman concluded with moving that the Petition do lie on the table.

Mr. *J. H. Addington* expressed his thanks to the hon. gentleman for the opportunity he had afforded him of explaining this affair. Without entering into any detailed answer, he would shortly state to the House, that Mr. De Berenger being a registered alien, and having an alien's licence, was arrested by a warrant issued by the secretary of state, in execution of his duty, on a charge quite distinct from the offence for which a bill of indictment had been found against him. On this warrant, having been apprehended and brought up to London, and when the other gentlemen were released, who had found bail under the prosecution, he was detained on the same charge for which he had been originally arrested, and which the hon. gentleman would hardly expect him to state. With regard to the detention of his clothes, money, and papers, the value of the money had been restored, a great part of his letters had been restored, and his agent had had access to all of them. If he remained in Newgate, it was at his own express desire, he having preferred that prison to that for aliens. He was surprised to hear the power of the secretary of state to issue such warrants under the Alien Act called in question. Such warrants had always been granted by the secretary of state, and had never before been challenged. There was another charge which he could not answer, because he did not know any thing respecting it—that persons had been forced on him contrary to his own wishes. He did not know any thing of this; but he was inclined to suppose, that when inquired into, a sufficient reason would be given for whatever took place.

Mr. *Whitbread* observed, that although the right hon. gentleman might flatter himself that he had given a reply to this petition, the House would feel that, in truth, no satisfactory answer had been given. It was impossible, as matters now stood, to contradict the assertion, that the arrest and confinement of the baron de Berenger originated in a charge totally distinct from the criminal prosecution which had recently been commenced, and the right hon. gentleman must therefore receive full credit for his statement. It was a fact, that Mr. De Berenger had chosen Newgate as the least comfortless place of the two that had been offered him; but there he was molested by the intrusion of strangers who came to inspect his person and obtain evidence; to this charge no answer had been given. It was at least doubtful, whether the extensive powers given to the secretary of state under the Alien Act had not been abused, and that its provisions had been abused and perverted to the worst purposes. Where, however, under the Alien Act or any other statute, could a justification be found for depriving Mr. De Berenger of his money and clothes, some of which were kept from the 19th of April to the 14th of May? What right had the Stock Exchange Committee, a self-elected and self-constituted body, to intrude upon the privacy of any individual, or to pervert the regular course of public justice?

Mr. *Bathurst* said, that unless the House, in the exertion of its paramount authority, chose to order a particular inquiry, which in a matter of such delicacy it would scarcely think expedient, the subject must rest upon the statement made by the right hon. gentleman, (Mr. Addington). It did not appear, that the situation of Mr. De Berenger was worse than that of other persons under similar circumstances; or that he was intruded upon more by strangers, or was more publicly seen, than if he had been at large, with liberty to walk where he pleased. He did not know what were the precise regulations of the Alien Act with regard to clothes or money; but when such a charge was exhibited against an individual, it seemed natural that such a power should be allowed.

Mr. *Abercrombie* thought that a more serious charge could not be brought against any minister, than that he had misapplied and abused the powers vested in him by the Alien Act, and that it well merited further inquiry. There was undoubtedly great hardship in the case of Mr. De Berenger: he was not allowed the means of making his own defence; and by means of his confinement witnesses were intruded upon him to identify his person, and he was thus compelled to supply testimony to his adversaries.

Lord *A. Hamilton* asked, at what time the charge against Mr. De Berenger, for which he was arrested under the Alien Act, had arisen?

Mr. *Bathurst* replied, that the House, if it deemed fit, might order an investigation of the whole grounds of his confinement; but he would not consent to fritter away the subject, by giving answers to questions that might lead to improper disclosures.

Lord *A. Hamilton* added, that he wished for no disclosure of state secrets, with which the right hon. gentleman always appeared so big; he only asked, at what time the suspicion arose against Mr. De Berenger?

Mr. *J. H. Addington* answered, that he imagined the suspicion arose at the time when the warrant was issued, which would appear by the date.

Sir *F. Burdett* observed, that undoubtedly credit could not be refused to the statement that Mr. Addington had made; but, under the circumstances, it was requiring a great deal of the House. He wished that a select committee should be appointed, to inquire into this case, as well as into the cause of the continued detention of Mr. Colville, in Coldbath-fields prison.

Mr. *Ponsonby* remarked upon the confusion that seemed to exist between the powers given by the Alien Act, and the circumstances of the existing prosecution against Mr. De Berenger, which might have led to the inconveniencies that were now the subject of complaint. It seemed that there was no authority for detaining De Berenger's money; and when it was afterwards restored, not only the amount, but the very identical money, ought to have been returned, that it might not be employed against him on the trial. The subject deserved further investigation: and, as points of importance and delicacy might be involved, it could be conducted in any way ministers should think most expedient.

The *Attorney General* adverted to the application which had been made to him by the defendants, to become their advocate; which he had refused, thinking, that as a servant of the public, and as a member of parliament, it might occasion embarrassment, if not a collision of his duties: in the exercise of the same discretion, he had refused likewise to conduct the prosecution. With regard to the facts of this case, it appeared, that at the time Mr. De Berenger was arrested under the warrant of the secretary of state, no charge had been brought against him regarding the fraud on the Stock Exchange; and after the bill was found, he was treated exactly like any other alien, on the responsibility of the secretary of state. Much had been said regarding the taking of the clothes and money of Mr. De Berenger; but the House must be aware, that in cases of felony the magistrate had a right by law to detain them for the purposes of the future trial; he admitted, however, that the charge against Mr. De Berenger was only for a misdemeanour, and upon that an important distinction might perhaps be founded. The detention in this case was not the act of the secretary of state; the property of the prisoner had been detained by the alien messengers; and if they had exceeded their powers, they were unquestionably responsible. He was willing to allow, that if unwelcome visitors were intruded upon Mr. De Berenger, it was unjustifiable, and the door might be closed upon them; but he did not apprehend, that the secretary of state had issued an order to compel Mr. De Berenger to see strangers; though possibly he might, to distinguish this case from that of treason (where no persons were allowed to be admitted), have given an order, that any person who wished to see Mr. De Berenger should not be prevented. As to the propriety of the commitment under the Alien Act, this was not a fit time to enter into any discussion upon it.

Sir *S. Romilly* hoped that the examination into this subject would not be allowed to rest merely here; but that some grave inquiry would be instituted, in order to ascertain whether it was true, that the powers given by the Alien Act had been perverted and abused for the sake of putting the individual in question under disadvantages that did not, in the ordinary course of law, attend his case. After the solemn assertion of the right hon. gentleman, no man had a right to say that the arrest of Mr. De Berenger had been absolutely occasioned by the prosecution commenced against him; but it was still a question, whether the warrant of the secretary of state had not been exerted with some view to the misdemeanour with which Mr. De Berenger was charged. It would be quite new in law, to say that a man charged with a misdemeanour was liable to be deprived of his papers, money, and clothes, by the magistrate: in this case, it seemed that the papers, money, and clothes, had been taken before the bill was found; and that after that event they were detained for the purposes of the prosecution. In the Alien Act, sir Samuel Romilly knew of no authority to deprive a man of any thing but arms; and the House would do well to recollect the additional circumstance, that the secretary of state was not justified in issuing his warrant for the arrest of an alien, unless the country would be endangered by his escape. It did not appear, that the papers, money, or clothes of Mr. De Berenger had been in the regular custody of any individual, or that they might not have been altered and marked for the purposes of the pending prosecution. At present, there was reason to believe that the warrant of the secretary of state had been employed to further the proceeding in the court of law.

The *Solicitor General* said, that under the Alien Act an absolute power had been given to the Secretary of State to take individuals into custody, of which he had availed himself in the case of Mr. De Berenger. During that detention, this person was proceeded against by some individual for an alleged misdemeanor. In this, what was there wherewith to charge the Secretary of State? Was he, because an individual had committed, or was supposed to have committed, some crime against other individuals, to abstain from taking such measures against him as he judged necessary for the safety of the state? If a man was charged with a most serious offence, with a most gross fraud against individuals, was it to be said that the Secretary of State could enforce the Alien Act against that man for no other purpose than to aid the private prosecutors? What reason was there then to induce the House to suppose the Alien Act to have been abused? The petitioner, however, complained that he was confined in the felons' side of Newgate, a place where he ought not to have been confined under the Alien Act. That place was the only place to which he could have been committed by the warrant of the magistrate under the criminal charge that had been preferred against him; and his having afterwards remained in that prison was a circumstance which depended on his own choice. His money, clothes, and papers, it was said, were detained. The Alien Act contained nothing in relation to these things. But if these effects had been seized, and had been found conducive to the furtherance of justice in a prosecution instituted against the individual, could it be said that it was a dereliction of duty, that these effects were not delivered up by the Secretary of State to the person by whom, if they were anywise conducive to his inculpation, they would inevitably be destroyed? It had been argued on the other side of the House, as if this had been merely a civil suit against Mr. De Berenger. But it was a charge of a most heinous offence. What grievance was there, that the identical notes found on the person of De Berenger were detained, if others equal in value were given to him? It had been said, that captain De Berenger had served the country—but was he for that reason less in a condition to injure it? Surely not. For the reasons which he had stated, he thought there was no ground to induce the House to interfere in this case: more especially, as it seemed that the object of the petitioner was, through the means of the authority of the House, to obtain, for the purpose of suppressing, those documents which might eventually bring him to justice.

Mr. *C. W. Wynn* observed, that, notwithstanding all that had been said, it appeared singular, that the necessity should have arisen for the detention of De Berenger as on state grounds, exactly at the time when a prosecution was instituted against him by a private body. If, however, it was positively stated, that there were sufficient reasons of state policy for the detention of De Berenger, he should acquiesce in the measures which had been taken in his case; but it was necessary that a positive statement of this nature should be made. He had hoped to have obtained some light in the course of the discussion, on the power of the Secretary of State to seize papers. He believed it had been the invariable practice of the office so to do. Certain it was, that no such power was given by the Alien Act. On this point, therefore, he wished for further information; for if the papers, notes, &c. had been wrongfully acquired, it was a case of great hardship that they should be made use of against their proprietor; but if they were rightfully acquired, although on another account, he conceived it to be regular that they should be produced on the trial. There was a case, analogous to the present; when an attorney, called Crossley, being arrested on a charge of forgery, of which charge he was acquitted, a blank affidavit was found in his possession, sworn and signed, under which he was indicted for perjury, found guilty, and sent out of the country. It was undoubtedly legal, if a person was under any species of legal confinement, that witnesses intended to be produced against him should be admitted to see him: but that any persons should be admitted to interrogate him, was an unwarrantable stretch of power. He was of opinion, that the best mode of proceeding would be, to appoint a secret committee to inquire into the subject, unless any valid objections should be made to this measure.

Mr. *Lockhart* observed, that even in cases of felony he could find no statute which authorised persons to seize or detain the goods of prisoners; but yet if clothes were found with blood on them, in the trunk of a person accused of murder, no one would hesitate to seize them. Supposing the detention of the petitioner in the first instance to have been, *bonâ fide*, necessary to the public safety, the case, he thought, did not call for any interference of the House.

Sir *James Mackintosh* observed, that he should not have taken part in the discussion before the House, if it had not assumed an importance which did not belong to it, from the reasoning which had been made use of on the subject, particularly by his hon. friend who had last spoken (Mr. Lockhart), and who had disputed the right to seize goods and clothes in cases of felony, because he had found no statute on the subject; thus seeming to forget that the greater part of the law of England did not exist in any positive statute, but was deduced from the constant usage of the judges of the land. There was an important distinction, which overturned much that had been alleged against the petition, that goods might be seized for a particular purpose; but not that they should be seized for one purpose and detained for another. It had been admitted in the course of the discussion, on all hands, that it was the constant practice of the Secretary of State's office to detain the papers of aliens. It was imperative on the House to inquire whether this practice, which had been persevered in for 20 years, was, or was not, legal: it was peculiarly the duty of the House jealously to watch, that the most formidable and tremendous power—a power the most susceptible of abuse of any which had ever been vested in the crown of England—should not be abused. Illegal, he would venture to call that stretch of authority, by which, in addition to the power given by the Alien Act (odious as that power was), the papers of any foreigner could, without any charge having been preferred against him, be seized by the Secretary of State.—The power of the Secretary of State, as a magistrate, he thought should never be brought in aid of the powers of the Alien Act; for it was not agreeable to the hospitable spirit of the British law, that this Act, which had been made to provide only against extraordinary danger to the kingdom, should be construed to the oppression of strangers, by being yoked with those powers which were given for the purpose of bringing offenders to justice. Of the individual who was the subject of the discussion, he knew nothing; nor should he have said any thing, but for some aspersions which his hon. and learned friend (the Solicitor-General) had cast on him. His learned friend had presumed that the object of the petitioner was, to destroy evidence which might be injurious to him. That his learned friend could have had no intention to prejudice the minds of a jury against the petitioner, was a charge from which he need not exculpate him. But that such expressions coming from a person of so much weight would have that effect, he thought very probable. If such insinuations, or rather such direct charges, were thrown out against all petitioners, it would close the doors of the House against the oppressed, and close them with iron bars indeed.

The Petition was ordered to lie on the table.

Mr. *Whitbread* then said, that no time should be lost—no period suffered to intervene between the measure which had been taken, and the motion for the appointment of a secret committee; for, otherwise, the unfortunate man who presented the Petition would find a prejudice produced against himself. He alluded to what had been said by the Solicitor General towards the end of his speech—that the motive of Mr. De Berenger was, to obtain the possession of papers that would operate to his conviction. [The Solicitor General being about to leave the House], Mr. W. said he hoped the hon. gentleman would not leave the House; for he intended to read a letter from the Secretary of State, which would give great reason to believe that the whole object of the Secretary of State was, to further the prosecution of the Stock Exchange. The petitioner did not pray for any particular notes or papers; but to be put in such a state as to enable him to make such exertions for his defence, as he would have been enabled to make before he was taken into custody; and he alleged, that being in confinement, he was not in a state to make, by his agents, the necessary enquiries, as there were witnesses, who were material, known to the petitioner only by person. He should return to the subject, and ask the right hon. gentleman (Mr. H. Addington) whether he would positively assert that the arrest of the petitioner was not occasioned by, or at all connected with the prosecution of the Stock Exchange? If he would go that length, he should contend, that it was an unwarrantable exertion of the power vested in the crown; and if he went the full length of disavowing all such connection between the two measures, he (Mr. W.) thought he should be able to afford the House grounds to suspect the truth of that disavowal, by some correspondence which he should read. A learned and hon. gentleman had asked, with a tone of sarcasm, which with ill grace was employed against petitioners for justice, why, if the cause of the petitioner was a just one, he had not sooner brought it forward? The reason was, that the House, though open to all complaints, was only open when the ordinary channels of redress were shut. If he had applied to the House without having previously sought redress in vain from the officers of the crown, he would have been told that he should first have sought redress from the Secretary of State. This he had now done; and having sought in vain, he applied to the House of Commons, where the Solicitor General, the representative of the crown, tells him, that his object is to make away with the proofs which might be brought against him on his trial. Such were the unwarrantable attempts to prejudice the House; but the petitioner should be protected, if it was in the power of an individual member to protect him. The petitioner had constantly applied, but for a long time in vain, for his money—not for the identical bank notes, but for money to pay the jailor's fees, his medical attendants, and for his sustentation, as the hon. gentleman said. But from the 18th April to the 13th May, he obtained nothing. The hon. member observed, that the petitioner, being confined, was deprived of the opportunity which liberty would afford him of preparing the means of his defence. He complained also of the letter of Mr. Beckett to the petitioner on the 21st of April, in which the restoration of his property was promised; yet property was withheld, which, there was every reason to infer, had been used by the prosecutors of the Stock Exchange against Mr. De Berenger, with regard to whom the bill of indictment was found a few days afterwards. In fact, the papers of Mr. De Berenger were refused; but copies truly were offered to him. Upon what ground, however, he (Mr. W.) would ask, were these papers seized at all? He called upon the right hon. gentleman opposite (Mr. Addington), to say, by what part of the law such a seizure could be warranted? In his judgment, such a seizure was wholly unwarrantable. But it was said, that, although the seizure might not be justified by the letter of the law, it would have been a clumsy oversight not to have seized Mr. De Berenger's papers, under all the circumstances of the case; and it was said also, that such a seizure was according to the practice which had prevailed in the Secretary of State's department with regard to aliens. To the first statement, he however should say, that no public officer could be justified in exceeding the provisions of the law; and to the second, that no practice could warrant a violation of the principles of the constitution. If, indeed, the contrary were maintained, the issue of general warrants would have been held sacred. On the 5th of May, Mr. Beckett informed Mr. De Berenger that, even should he be bailed under the indictment respecting the transaction at the Stock Exchange, he would not be liberated, but referred to the custody of a king's messenger; and Mr. De Berenger had been so ill-treated in that custody, that he preferred remaining even in Newgate. There, however, the petitioner was condemned to remain without his money, without the means of obtaining subsistence or medical relief. But at length, on the 13th of May, the property of Mr. De Berenger, including 186*l.* in notes (but not the notes taken from Mr. De Berenger), was restored to him; that is, above a month after he had been robbed of it; for he could not hesitate to call it robbery; and was robbery to be atoned for by mere restitution, according to the law of England? If the Attorney General were to argue such a transaction *con amore*, what an effect would his eloquence and rectitude produce upon the minds of a jury? A very different effect, indeed, as he apprehended, from that which the learned gentleman endeavoured upon this occasion to produce in that House. The hon. member expressed his intention to follow the precedent of the House in the case of Mr. Colville confined in Cold Bath-fields. In the appointment of a committee in that case, nothing improper transpired. The result was, a report justifying the conduct of ministers in detaining that alien in custody, by stating that his detention was necessary to the safety of the state; and if a similar report were made on the case of the petitioner, no blame could attach to ministers. But for the sake of justice and humanity—for the sake of the minister whose character was implicated by the conduct complained of by the petitioner—and for the sake of the petitioner himself, he called upon the House to institute an enquiry. That enquiry was, indeed, necessary to satisfy the ends of public justice—to maintain the principles of the British constitution—and to afford a fair opportunity of justification to an obscure, friendless foreigner—to a much traduced individual. The hon. gentleman concluded with moving, "That a select committee be appointed to enquire into the circumstances connected with the arrest and detention of Charles Random De Berenger, now a prisoner in his Majesty's gaol of Newgate."

Sir F. Burdett seconded the motion.

On the question being put,

Mr. *Bathurst* said, he did not consider that any ground had been stated, which could warrant the House in adopting the motion of the hon. gentleman; and with that feeling he thought the best mode of disposing of the question, would be to move, that the House should proceed to the orders of the day.—As to the conduct of the Secretary of State, which had been arraigned on this occasion, he considered it perfectly justifiable; and, for his own part, if he were acting as a magistrate, he should think if he gave up the identical articles of property claimed by Mr. Berenger, which might, he did not say would, lead to his conviction, he should be guilty of a dereliction of his public duty, as adopting a line of conduct which would tend to defeat the ends of justice. It appeared, that they were called upon to defend themselves, not on account of the arrest of Berenger, but because it was deemed necessary to take from him certain articles. This was a very delicate point to entertain. He did not mean to say, that the practice of the Secretary of State's office should not be enquired into; but he deprecated a hasty and precipitate decision. The question did not stand on the fact of Berenger being in a peculiar situation—it was not to be argued on that ground. What they were to enquire was, whether, under a general position, the Secretary of State had not a right, with reference to the safety of the country, to seize those papers? If it were the practice of the office, under the eye of parliament, to detain the papers of suspected individuals, then there arose a presumption, that such a proceeding was not an abuse of power, but a fair exercise of it. The Secretary of State did not assume this power merely from the situation which he filled; it was a power, which, in time of war, naturally and necessarily extended over aliens—and he knew, that at the time the Alien Act was introduced, very great doubts existed, whether such an enactment were wanted, to enable the King to send aliens out of his dominions. Now, it did appear to him quite absurd, on sending an alien out of the kingdom for seditious practices, to give him all his papers, comprising, perhaps, those very documents on which the belief of his criminality was founded; or to permit him to depart without examining what money he had about him, for the purpose of discovering, if possible, from whom he received payment. The motion for the committee, which came before him and before the House by surprise, was not supported on any ground that could convince him of its necessity. The case of Colville, which had been alluded to, was very different. That person had been long in confinement, and examination became necessary. Many of the questions that had now been asked, could be answered, without having recourse to a committee; but, at all events, he did not think it would be right to comply with the motion, under the novel circumstances which accompanied it.—The hon. gentleman (Mr. Whitbread) having first moved that the Petition do lie on the table, and immediately after, having procured some more documents, called upon the House to adopt a fresh proceeding. The right hon. gentleman concluded by moving, "That the other orders of the day be proceeded in."

Mr. *Horner* said, the gentlemen who had spoken against the motion, had given a stronger colour of importance to the debate, than it before had. The right hon. gentleman who last spoke had stated, that the question came before him by surprise! This was one of the most extraordinary circumstances he had ever heard. What was the surprise the right hon. gentleman complained of? A transaction well known to the gentlemen opposite was introduced, and their own correspondence was read in their presence, in that House; this was the whole foundation for the statement that they were taken by surprise. Surely the right hon. gentleman (Mr. H. Addington), who was in the office of the Secretary of State, had a right to be acquainted with the case! Certainly they might allow the gentlemen opposite time to prepare their defence; but the House ought not to forget, that the prayer of the petitioner was most urgent—that he prayed for his liberation, in order that he might collect evidence, and facilitate his just defence—so that he might be placed on a level with his co-defendants in the indictment. Undoubtedly there might be a good reason for his detention—but that reason ought to be most clearly pointed out to the House. The right hon. gentleman told them that he would be tried next week, and that he was an alien. But the first observation ought rather to render them anxious that every opportunity should be afforded him to make the necessary arrangements for his trial—and, with respect to the second, it was sufficient to observe, that he had been twenty years in this country in his Majesty's service. He, for one, did not wish to press for inquiry as to the legality of the power exercised, at the present moment. Let a proper pause be made—let the Alien Act be scrupulously examined, to see whether his Majesty's government had not committed a high crime and misdemeanor, in assuming a power which it did not give. But all this had nothing to do with the prayer of the petition—and it was the duty of the House to see immediately, what necessity there was for detaining this man in custody. He was willing to receive, as fact, the statement of the under secretary (Mr. H. Addington), that his detention had nothing to do with the fraud on the Stock Exchange. That fraud should be most minutely inquired into; and the public were much obliged to those individuals who had exerted themselves in tracing it to its source; but if it should be found that Berenger was imprisoned in consequence of that fraud, then he had no hesitation in saying, that the individuals by whom that imprisonment was authorised, were guilty of a high crime and misdemeanor.

Mr. *H. Addington* said, that he had certainly been taken by surprise, because the hon. gentleman (Mr. Whitbread) had stated distinctly, that, unless he (Mr. Addington) or some other gentleman on that side of the House, could give satisfactory answers to his interrogatories, he would probably, at a future day, move for a committee to investigate the transaction. This impressed himself and other hon. members with an idea, that the question would not then be discussed—and many gentlemen had asked him, whether there was any necessity for them to stay.—(Laughter, and cries of Hear.)—They were of course anxious to know, whether the debate was likely to come on, as they might wish to take a part in it. The hon. gentleman certainly could not expect, that he should be prepared, on the moment, to answer all his questions. The only notice he had received of the motion from the hon. gentleman was, an intimation that he would probably present a petition in the course of the evening, from Berenger; and, as he had determined not to oppose it, if it were respectfully worded, he thought it would have been merely necessary for him to state generally the circumstances of the transaction. In his opinion no *prima facie* case had been made out to induce a suspicion that the Secretary of State had abused his powers under the Alien Act. And, if no *prima facie* case were made out, he could not see the propriety or necessity of agreeing to refer the business to a committee.

Mr. *Ponsonby* never heard a more ingenuous statement made in his life by any gentleman, than that with which they had just been favoured; and he assured the right hon. gentleman, that he felt obliged to him for his candour.—(A laugh.)—He was not disposed to press the question to an immediate decision, and therefore he would propose, that the motion should be adjourned till Monday or Tuesday.

Mr. *Bathurst* said, there was already a motion and amendment before the House; he wished a decision to take place on these. If the suggestion of the right hon. gentleman (Mr. Ponsonby) were adopted, he would not be placed in so favourable a situation on Monday, as that in which he at present stood.

Mr. *Whitbread* observed, that, when he originally addressed the House on the petition, he had certainly signified his intention, unless he received a satisfactory explanation on the subject, to move for a committee on a future day. But, in the course of the debate, so much prejudice was apparent—and the arguments of several learned gentlemen appeared so unjust, that he felt himself bound to take the step he had done—But having relieved himself, by the course he pursued, his object was gained, and he would cheerfully agree to adjourn the subject till Monday. Nor did he think that, by such a proceeding, the right hon. gentleman would be placed in a worse situation; for, even where personal charges of maladministration had been made against individuals, the debate had frequently been adjourned, and yet the party accused never found himself in a worse state than before. Two reasons particularly induced him to agree to the adjournment; first, because the right hon. gentleman (Mr. H. Addington) said, if time were given him, he could answer every question satisfactorily; and next, because flocks of orators, who meant to speak on the question, had, it seems, gone away, and he did not wish the right hon. gentleman to fight with fewer troops than he had it in his power to muster—(A laugh.) The right hon. gentleman had said, that Berenger was not arrested on any charge whatever connected with the Stock Exchange. But that was not enough. He would ask, on the solemn responsibility of the right hon. gentleman, whether Berenger was now detained in consequence of the Stock Exchange fraud —or because it was considered that the state would be more secure if he were imprisoned, than if he were at large? The hon. gentleman then called upon the House to mark particularly the prayer of the petition; which was, "that the petitioner should be liberated, on bail; that he might prepare for his defence; which he could not do in prison, and which no human soul out of prison, could do but himself." If this prayer were refused, then the conviction on his (Mr. Whitbread's) mind was, that the Secretary of State considered his freedom as dangerous to the state; and nothing less than full proof of the foundation of such a feeling could satisfy the justice of the case.

Mr. *Bathurst* persevered in his amendment, and the gallery was cleared for a division. The House did not, however, divide—and, as we understood, the renewal of the discussion was fixed for Monday the 23d instant.

PETITION FROM THE CITY OF LONDON RESPECTING THE CORN TRADE.] Mr. Sheriff Magnay appeared at the bar with a Petition from the lord mayor and corporation of London, praying that no alteration might be made in the Corn Laws during this session.

The *Speaker* thought it his duty to notice, that this Petition was presented by only one of the sheriffs. He had no doubt that a satisfactory reason could be assigned to the House for the non-attendance of the other, as the form required.

Sir *J. Shaw* stated, that the other sheriff was indisposed.

The *Speaker* said, that this was, of course, a perfectly satisfactory reason for his absence.

The Petition was brought up, and read; setting forth, "That the petitioners have attentively considered the proceedings now pending in the House, for regulating the importation of corn into the United Kingdom; and that the alterations proposed to be made in the laws for regulating the importation of corn appear to the petitioners to be matter of the most serious importance; and it would be highly desirable that no material alteration should take place therein until a more ample trial has been had of their effect, under existing circumstances; and praying, that the consideration of the proceedings for regulating the importation of corn may be adjourned to the next session; whereby a more accurate judgment and opinion can be formed than at this time, and the fullest opportunity would be thereby afforded for the due consideration of a question of such magnitude."

Ordered to lie upon the table.

ANNUITIES TO LORD LYNEDOCK, &c.] The *Chancellor of the Exchequer* moved the order of the day for taking into further consideration the Resolution for granting an annuity of 2,000*l.* per annum to lord Lynedock.

In the committee, the right hon. gentleman stated, that it had been usual to confine grants of this description to three successive lives; but as it was felt that the fourth nobleman in succession, unless some fortuitous circumstance occurred, might be totally unable to uphold the necessary splendour of his situation, it was deemed advisable to render the annuity, as in the case of the duke of Wellington, co-extensive with the title. It was not intended to increase the sum already voted to these gallant officers; in the present state of the finances of the country, as much had been done, as a just sense of public œconomy would admit. He then moved, "That an annual sum of 2,000*l.* should be granted to his Majesty out of the Consolidated Fund, to be laid out in the most beneficial manner for Thomas lord Lynedock, and those who succeeded him in the title."

Mr. *W. Smith* approved of the principle of not giving too large and extensive pensions, with the peerage: the latter was in itself a great reward. It was not necessary that a man who had raised himself to nobility by his exploits, should live in the same style of splendour as one who had not such exploits to adorn his situation. It was the more advisable to be cautious on this subject, as in every war we might expect that there would be several instances where similar rewards would be necessary.

Sir *C. Monck* said a few words, coinciding with the Resolution as it was now altered.

Mr. *Stuart Wortley* objected to the creation of peers, if the finances of the country were not competent to furnish them with adequate pensions. Persons so created might, perhaps, for their own lives, be able to support their dignity and independence; but the inevitable consequence must be, that their descendants in some generations must look to the existing government for maintenance and protection.

After a few words from the Chancellor of the Exchequer, the Resolution was agreed to, conferring 2,000*l.* annually on lord Lynedock and his heirs male.

Resolutions precisely similar were passed with respect to lord Hill and lord Beresford.

Wool Trade.] On the motion of Mr. Huskisson, the House resolved itself into a committee on the Act of the 9th and 10th of William 3, for preventing the exportation of wool.

Mr. *Huskisson* stated, that by the Act in question, no farmer, within ten miles of the coast, in the counties of Kent and Sussex, was allowed to remove his wool from the place where it was deposited, without first stating to the proper officer, not only the number of fleeces he had sheared, but the entire weight; under pain of forfeiting three times the value of the wool so removed. As this was productive of much vexation to the growers of wool in those districts, he wished to place them exactly on a level with persons in other parts of the kingdom, leaving the laws against the exportation of wool in full force—and, for that purpose, he would move for the repeal of so much of the said Act as inflicted the penalties he had mentioned.

The Resolution was agreed to.

Corn Trade.] Mr. *Bankes* said, the motion which he was about to propose was not brought forward with a view to create any unnecessary delay in the proceedings of the House. The committee for which he intended to move might easily, he conceived, come to a report, within so short a time as not to prevent parliament from adopting measures on the subject of the corn trade, if necessary, this session. He was anxious that the House should be accurately informed, what the actual state of the corn trade at present was; and what its situation was likely to be, with reference to importation, before the next harvest, and for two or three months after it. If they were in possession of this information, they would know how to act. But it was very dangerous for them to proceed in new-modelling the corn laws, at the end of the war, without knowing the probable terms of the peace, or the effect it might have on the finances of the country. A worse period could not have been selected for entertaining the question.—He wished to confine the committee to the consideration of two points: First, What is the state of the foreign corn now in the kingdom; and next, what is the opinion of the best informed persons as to the probable importation of corn from abroad, during the time he had mentioned. This information could only be procured by oral testimony—and, if it appeared, that there was no likelihood of foreign corn coming into the market for some time, he thought it would be wise to remain as we were. If the contrary were apprehended, then it might be proper to resort to some legislative measure. The hon. gentleman then moved, "That a Select Committee be appointed to enquire into the corn trade, so far as relates to the importation and warehousing of foreign corn, and to report their observations thereupon; together with the minutes of evidence which may be taken before them."

Mr. *Wm. Smith* rose to second the motion; and not in consequence of any newly acquired lights, but in perfect conformity with the opinion he had shortly delivered in one of the early debates on the resolutions. He then had said, and by every thing which had since passed he was confirmed in the opinion, that the House was not ripe to decide on the final measure. It was unnecessary, on the present motion, to enter into the general reasonings on the subject at large; it seemed to him enough to induce any gentleman to support the proposition for a committee, that sufficient grounds were not yet laid for an ulterior proceeding. The evidence of the committee of last year was little applicable to present circumstances, and nothing further had been adduced. He approved, therefore, of the committee, even should the inquiry go no further than the honourable mover had proposed; but he approved it still more, in the conviction that when once appointed, the inquiry would probably be far more extensive, and embrace so many points as might delay the whole measure till another year; an event which he regarded as very desirable, because affording opportunity to obtain that knowledge which farther time only could bestow, but which was necessary to enable the House to legislate wisely and safely on the matter. Who could yet say what might be the effect of peace, and the commercial treaties to be made in consequence, on the state of markets either at home or abroad? Farther, was not parliament pledged to relieve the country from the property tax in a short period after the restoration of tranquillity —and would not the remission of that burthen make an immense difference both to landlords and tenants, and enable both far better to support a very considerable reduction in the prices of produce? He had before alluded to the state of our circulating medium, an affair of no small importance in the present argument. Besides, the abundance of the last harvest was notorious; and when the quantity so far compensated for the diminution of price, the farmer was in no danger surely of being so much injured in one season as to discourage agriculture to a degree at all likely to affect the general welfare. He was sure also, that a more deliberate discussion, and an evident desire in the House to obtain all requisite information, would convince the people at large, that their real interests were consulted, and render them far more satisfied with whatever might be the eventual determination. One hon. gentleman had proposed to avoid the inconveniencies which haste might occasion, by making the present only a temporary measure; but in an affair of such magnitude and general importance, it was surely better well to consider and weigh your enactments, and even to postpone them to the most proper and convenient opportunities, than to adopt them hastily, and trust to remedy their defects by future and even speedy alterations. Agriculture, too, ought to rest on more steady provisions; its very nature demanded them;—the farmer could not be every year changing his plans without great disadvantage. And for all these reasons he should support the motion—a motion good even in its least extent; better still if carried so far as to delay till another session a measure which he felt himself at present bound to oppose.

Sir *H. Parnell* did not think that any grounds were offered for the committee. As to the observation, that the farmers could not be ruined in one year, he could not agree to the truth of it. This was the time in which all the corn was brought to Dantzic for the purpose of exportation; and if the present measure was not adopted, the consequence would be, that there would be such an influx of foreign corn into the market as must have the effect of converting many thousand acres of tillage land in this country into pasture.

Mr. *Broadhead* was for the committee. The report of the former one was not such as the House could proceed to legislate upon for the whole kingdom, as it related almost exclusively to Ireland. It might be a deficiency of understanding on his part, but he declared to God he could not comprehend what the House had done upon that report: and, whether they meant to fix the price at *63s.* or *73s.* he knew no more than a man in the clouds.

Mr. *Rose* would put it to the House to decide, whether, as there was not sufficient evidence to proceed upon, it would not be infinitely better to defer the farther consideration of the entire subject till another year; and that a committee should be appointed for the express purpose of obtaining full evidence.

Mr. *Peel* wished the House to consider the time at which the proposition for the new committee (that proposed by Mr. Bankes) was made. In consequence of the report of last year, two Bills were now before the House; and having made this progress, it is now proposed to have a new committee to do the whole work over again. Why was not the necessity for this committee seen before? The enquiries that might be made by it could only be temporary; and when they were made, what ground could there then be to legislate upon? The effect would be, that the enquiry would be made on circumstances that would perpetually vary, and thus a new committee of investigation would be necessary every year. He did not think that any thing further was requisite to enable the House to proceed. If ever it intended to legislate, the late decision, in the proportion of five to one, was sufficient authority to enable it to do so.

Mr. *Protheroe* said, he had never disguised his opinion as to the defective evidence on which the original report was founded. It was almost entirely confined to the agricultural interests of Ireland;

and he thought the people of England had a right to the same advantage of inquiry. He should, therefore, vote for the motion.

Mr. Alderman *C. Smith*, unless he could obtain further information, would vote against the measure altogether. At present, he was for the committee.

Sir *John Newport* opposed the committee. It would only occasion useless delay, and give opportunity for raising a clamour against the measure. The House should never suffer clamour of this kind to have the least influence upon their decisions. If he were to write to his constituents, and tell them that they were deeply interested in the success of this measure, and by this means procure meetings and combinations, as had been done in other places, he should be called a seditious man. He admitted, that the attention of the committee was a good deal directed to Ireland, not for the exclusive interest of that country, but to ascertain her capacity to make England independent of foreign countries by her own produce and that of Ireland. He again deprecated the influencing of the passions of the people, who never look beyond momentary gratification, toward future distress.

The *Chancellor of the Exchequer* certainly thought, that on a part of the subject the House had not obtained sufficient information. In his opinion, the House would disgrace itself by proceeding so far as it had done, and not going farther. But without proper information we should still be left in uncertainty as to the general average, and therefore he preferred the graduated scale. The delay of a year would have a considerable effect in the way of information; for little could be obtained before, respecting the foreign trade; but as far as it went, what had been obtained was satisfactory. On the whole, he was disposed to support the motion for the committee.

Mr. *Frederick Douglas* denied that the object of the proposers of the Bill was to support any combination of landholders; but the House was called on to pay attention to the interests of agriculture. A graduated scale of any sort would not effect the intended purpose, as it would enable the importing merchants to outbid the farmers. He should oppose the motion.

Sir *John Sebright* was of opinion, that the committee would be perfectly useless. It would give an opportunity to the constituents to get ready petitions ten times as long as the enormous one presented yesterday. He would ask, was it likely that there was any person in a town, either gentleman or chimney-sweeper, who, if appealed to, would say, that he would not rather have bread cheap than dear?

Mr. *Daly* was against the committee; as, in his opinion, all necessary information had been obtained.

Mr. *Finlay* thought it highly necessary that the committee should enter into the enquiry.

Mr. *Preston* was against the committee. In contradistinction to what had been said respecting the wealth of farmers, he would assert that these persons in general were in very narrowed circumstances; and in this very year, unless the landlords were very merciful, more distresses would be taken than had been executed during the last 20 years. The average price of land, he contended, notwithstanding the enormous rates at which pieces were sometimes purchased, was not more than 25*s*. an acre; and in Scotland, landlords were glad to get 20*s*. on the average.

Mr. *Huskisson* would not hesitate to say, that all those who supported the motion for the committee, did so with a view to defeat the measure altogether. The greatest apprehension might well prevail in the country, when it was a fact, that some hundreds of thousands of acres had only been cultivated under the idea of the improbability that foreign corn would be imported; and those who had disbursed their capital on inclosures, would rue the day when they had done so, unless just protection were afforded them. He would vote against going into the committee at all.

Mr. *Bathurst* was in favour of the committee, to a limited extent. He attributed the clamour which prevailed, to the subject not having been brought forward at an earlier period of the session.

Mr. *Canning* replied to the remarks of Mr. Huskisson. The Chancellor of the Exchequer had, in his opinion, been most unfairly attacked, accused as he had been of tergiversation, while he had taken the most discreet, just, and sound, though certainly not the most popular part, throughout the whole discussion. It was agreed on all sides, that some protection was necessary to the British grower; and it would be a great misfortune if the proceedings were to be suspended now, while so much alarm prevailed.

Mr. *Bankes* explained. He contended

that nobody would ever think of enacting a permanent law at such a time as this. Since this period last year, when the Report was presented, twelve months had passed, more eventful than any in history; and whatever report might have been then presented, it would have been insufficient to legislate upon at the present period. On the whole, he thought the House could not safely venture either to pass the law or to put it off.

The question was then put, and a division took place—In favour of the motion, 42; Against it, 99;—Majority, 57.

HOUSE OF COMMONS.

Monday, May 23.

Mr. De Berenger.] Mr. *Whitbread* rose, in pursuance of his notice, for the purpose of moving for the appointment of a Secret Committee, to enquire into the circumstances attending the confinement of C. R. Baron De Berenger on the felons' side of Newgate. For the information of such members as were not present on a former night, he recapitulated the various grounds then urged for complying with the motion; and noticed the single objection made to it, that the under Secretary of State for the Home Department (Mr. H. Addington) had solemnly asserted, that Mr. De Berenger was arrested under the authority, given by the Alien Act, on charges and suspicions totally distinct from any fraudulent transactions with the Stock Exchange. Without such an asseveration, under the circumstances, the House would not have hesitated a moment in deciding that the detention was only a part of the prosecution now pending; and that the Secretary of State, having abused the high powers vested in him by the statute, had been guilty of a high crime and misdemeanour. In addition to the circumstances of this case which came out on a former night, Mr. Whitbread stated, that when the prisoner was taken into custody by Wood, the alien messenger, with the assistance of the magistrates of Edinburgh, the warrant was not shewn to Mr. De Berenger, nor was any other cause assigned for his apprehension, than that he was taken in consequence of a supposed connection with the frauds on the Stock Exchange. He had been sent to Newgate by his own choice, because he experienced better treatment there than at the house of the messenger, where he had not been permitted to see any individual, not even his solicitor, Mr. Tahourdin, without the presence of Wood; that when remonstrance was made to Mr. Beckett, of the Treasury, that gentleman replied, that Wood was responsible for his prisoner; and that subsequently the messenger had sometimes gone out of the room when Mr. Tahourdin called, but that in that case he had left the door open. That De Berenger had applied for a copy of the authority under which the strangers that were obtruded upon him were admitted; which had been refused, although there was no denial, not even in the House of Commons, that such an authority had been given to the keeper of Newgate. Up to this very hour, the prisoner had not been informed of the cause of his confinement. The aggravations of the case were, that his papers, clothes, and money, had been unlawfully seized and detained till the 13th instant. on which day only a part had been returned: that his writing-desk and trunks had been broken open without the presence of De Berenger, his friends, or attorney, after, with the consent of the magistrates of Edinburgh, he had, jointly with them, put his seal upon them; that he was arrested in contradiction to the general licence to travel through any part of the united kingdom, which had been granted him, after a strict examination into his conduct and character, in 1804. Under such circumstances, it was the duty of the House to interpose, and to take care that such grievous injury was not done to an unprotected alien. The case was the more severe, because, although the Secretary of State was empowered to take bail from aliens, yet in this case, although it had been offered to any amount, it had been rejected. The probability was (or rather would have been, had not the right hon. gentleman ventured to make so bold an assertion), that Berenger was arrested under the false pretence of being a dangerous alien. Mr. Whitbread hoped that Mr. Addington's conscience would second his courage in the daring assertion which he had ventured to give to the House. At any rate, under the many suspicious circumstances that attended this case, he thought that the right hon. gentleman himself would be anxious to remove the weighty responsibility which rested personally upon him, by the appointment of the committee to enquire into the circumstances connected with the apprehension and detention of Mr. De Berenger. Mr. Whitbread concluded, therefore, with moving that a committee for that purpose should be nominated.

The motion having been put by the Speaker,

Mr. *Cochrane Johnstone* rose to second it. He spoke as follows:—My object, in rising to second the motion of the hon. gentleman, is, to take this opportunity of referring to an assertion made on a former night by his Majesty's Attorney-General, who said that Mr. De Berenger had no other design in requiring the re-delivery of his clothes, money, letters, and papers, than that he might get into his hands evidence that might operate against him, and those who were connected with him, in the prosecution that is now pending. Such an assertion is undoubtedly calculated to prejudice the noble lord who is a party to this prosecution, and myself, in the eyes of the House, in the opinion of the public, and consequently of the jury who are to try the question. I thought it, therefore, my duty to attend on this occasion, to declare, that as far as depends upon the noble lord and myself, it never was, and is not, our wish to keep back any evidence that can possibly be brought forward by the noble Secretary of State, let the mode in which it is obtained be what it may. It is not my intention to take any further part in the debate upon this question; and should the result be a division of the House, I shall feel it my duty to withdraw, without giving any vote on the subject.

Mr. *Bathurst* disclaimed, for himself and for the Attorney-General, any intention to prejudice the minds of any persons on a question of such importance; such an attempt would be the height of injustice at the time proceedings were pending. He congratulated the House, that it was now about to discuss this question in a regular and satisfactory way; and contended that the Secretary of State was in this case a mere agent, charged with the execution of a certain duty under the Alien Act, and that in that capacity merely he had caused De Berenger to be arrested. Was it nothing to say, that under many successive administrations only two complaints (both of which were unfounded) had been brought against the individual who was charged with the performance of this duty? If a motion like the present were carried, on such slight grounds as those now urged, what Secretary of State would venture to do a duty for which he was so heavily responsible? This would indeed be converting the hon. gentleman opposite (who appeared fond of spying into the interior of the public offices, though he had never entered one of them officially) into an inspector of the Secretaries of State, to take care that they did their duty, and nothing more than their duty. That De Berenger had some reason for concealing himself was obvious, because he had passed under an assumed name at Leith; and the Alien office was not to wait, before the foreigner suspected was arrested, until he had actually incurred the penalty by shipping himself off for a distant country. As for the assertion that De Berenger was arrested under a false pretence, that was entirely begging the question, since that was the point which the hon. gentleman was labouring to have ascertained. It was perfectly regular to seize the papers of persons apprehended, without any specific charge, and to use effects found on persons under one charge to their conviction under another; for example, in the case of Jack the Painter, he was apprehended for some petty offence; and, by the papers found on him, he was suspected of having been the incendiary of Portsmouth dock-yard; in consequence of which he was tried and executed. Certainly, any abuse of this power was a just ground of complaint; but it appeared that Mr. De Berenger, from his own confession, had been well satisfied. On the 8th of April he was apprehended—on the 15th he applied for permission to write in the news-papers, and to see his solicitor and friends. On the 16th an answer was returned from the secretary's office, that his solicitor would be admitted to him; but as to his friends no answer was returned, it being deemed inconsistent with close custody to admit them. To his application for his papers, it was answered, that it was deemed proper, for the purposes of justice, to retain some of the originals, but that his solicitor would be permitted to take copies of any that he chose. Mr. De Berenger replied, that he was perfectly satisfied—that the copies would answer his purpose, and thanked the office for its civility. When brought up to plead, he could not at first find bail, and was detained. It might be regretted that he was in a worse situation than others, but while a man was amenable to the alien laws that must be the case. Those persons indicted who were members of parliament were not apprehended or put to bail, on account of their privilege. Suppose Berenger had been in Newgate for debt, and indicted for some offence, could he have got out to seek for witnesses? He was in one of the best rooms in Newgate, about a third of the size of that room they were now sitting in (a laugh). No man had been introduced to him whom he did not wish to see: and none refused but at his own desire. The persons from Rochester did not see him. As to his clothes, he had the full accommodation of his linen. He preferred staying in Newgate to being elsewhere, and complained of nothing. It only lately occurred to him that that House was the most convenient place for discussing his claims. He was told, in answer to his memorial of the 10th of May, that every thing would be returned to him, except what might be necessary to the ends of justice. He received his 186*l.*, though not in the same notes which were taken from him. Would any sensible man give back to an apprehended person notes which, though they might be used for a different object, might yet be material for public justice, and the destruction of which might prevent important evidence? There was no question of sustenance, medicine, or counsel, for he had the supply within three days after he asked it. As to the matter of the right, he might try it. There was nothing retained but the original notes, a telescope, a pocket-book, and a few trifles. No ground whatever had been shewn for the present motion.

Mr. *Abercrombie,* without having any particular sympathy with Mr. De Berenger, contended, that it was well known, that there had existed oppressive proceedings under the Alien Act; and that justice had been often denied, under the operation of that Act, to persons who had applied for it. Happily, this Act was soon to expire; and, if it should be renewed, it would be necessary to make great alterations in it; and he hoped that, in doing so, some attention would be paid to the case now before the House. The great intention of the provisions of the Act was, to enable government to ascertain the place of residence of all foreigners. The Act, therefore, gave power to the Secretary of State to arrest foreigners, but at the same time only under certain circumstances. He had power to prevent the departure of a foreigner till any subject that occasioned suspicion was investigated; or to compel, if necessary, his leaving the country. The right hon. gentleman had not done quite enough on this occasion; he ought to have shewn, that it was dangerous to the state either to allow Mr. De Berenger to be at large, or to leave the country. Every moment that gentleman was detained, while it could not be shown that the safety of the state required it, was a violation of the law. The detaining of the papers could only be justified by proving that they contained matters dangerous to the state. The great object of the Alien Act was, to give power to the Secretary of State to send foreigners out of the country. The right hon. gentleman had not assured the House, that these papers contained any thing dangerous to the state. He contended, from all the circumstances of the case, that a committee was highly necessary. With respect to the case of Mr. Colville, government found that there was something dangerous to the state; but no such allegation had been made with respect to Mr. De Berenger, and therefore the hardship of his case was attended with great aggravation. If the Alien Act had not been enforced against Mr. De Berenger, sufficient evidence might not have been brought against him. Identity of person, for instance, became by this means more easily ascertained. He was to be pointed out in the court, and persons having an opportunity of seeing him previously to the trial must have a considerable advantage. Mr. De Berenger, in his confinement, had been seen by a number of persons. (No, no; from the ministerial bench.) As I have understood (said the hon. member), certain persons have seen him in custody; but if any one individual has seen him in custody, the principle of the argument is equally the same. Unless the right hon. gentleman was prepared to say, that, if at large, he would be dangerous to the state, he could have no right to detain him. When it was further considered, that Berenger had resided in this country since 1788, and that he had been employed in his Majesty's service, and that government had given him a testimonial in 1804, by granting him power to live in any part of the kingdom, the hardship of his case became the more an object of notice. It ought to be made obvious to the country, that there were good public grounds for detaining him. As the case now stood, they would send Mr. De Berenger to trial with the very serious imputation, that he was not only a dangerous person to be at large in this country, but that he was also too dangerous to be sent abroad.

Mr. *Bathurst*, in explanation, contended, that as an alien he was, generally, under the power of the Secretary of State.

Mr. Alderman *C. Smith* said, that, as a magistrate, he had been to visit Mr. De Berenger; and was told by the keeper of the prison, that Mr. De Berenger was very particular with respect to the persons whom he saw; that he, however, being a magistrate, might claim admission. I found him (said the hon. alderman) very comfortably lodged, and that improper persons were excluded from his apartment.

Sir *S. Romilly* had no conception that the Secretary of State could seize a person's papers under the Alien Act. It was to be recollected, however, that at the time of passing the Alien Act, there were opinions prevailing in France which in this country were considered as very dangerous to the public peace and safety; and for that reason it was thought advisable to give the Secretary of State the power of sending suspicious foreigners out of the country; or, if they could not be sent out, at least to keep them in custody. This might be done on anonymous information; but in no case unless the charge was of a treasonable nature. No person was to be sent out of the country for any transaction unconnected with the state. It appeared to him, that the Secretary of State had no power to seize the papers of an individual, unless there was some charge of a treasonable nature; not by any means for the purpose of assisting in any private prosecution.

Mr. *P. Moore* thought it appeared from the circumstances of the case, that Mr. De Berenger had been seized on account of his having been supposed to have hoaxed a body of professed hoaxers—the Stock Exchange Committee.—M. Talleyrand, the present minister of France, had been subjected to the operation of this same Alien Act; with this difference, that the government, by sending him out of the country, merely afforded him means to escape from his creditors here. He wished to know, whether a message had not been sent to the Stock Exchange Committee as soon as the seals were taken off De Berenger's trunks, that they might come to examine them?

Mr. *H. Addington* replied in the negative. He did not know that the trunks had been unsealed at all.

Mr. *C. W. Wynn* thought that a secret committee would not be a good place to try whether the Alien Act had been transgressed in the case before the House: a court of law would be preferable for trying the question. He also conceived, if the seizure of the papers, &c. were illegal, yet that it was proper to employ them in a court of justice; as a man was once tried for forgery, on proofs which had been obtained by robbery. He had, however, much doubt on the subject; from which the right hon. gentleman (Mr. Bathurst) might relieve him, if he could state, that a disclosure of the grounds of De Berenger's apprehension to a secret committee, would be injurious.

Mr. *Bathurst* answered, that he could not rest his opposition to the motion on such a ground.

Mr. *Stuart Wortley* said, the only question to be decided was, whether this was a case which called on the House to appoint a secret committee to inquire into the conduct of the Secretary of State?—He conceived there was no necessity whatever for such a proceeding.—The right hon. gentleman (Mr. Bathurst) had unhesitatingly declared, that the cause of De Berenger's arrest was entirely distinct from the fraud on the Stock Exchange—and he (Mr. Wortley), was inclined to give full credence to his statement. If the House agreed to appoint secret committees on such occasions as this, the consequences would be extremely mischievous—it would operate as a check on the fair exercise of the powers vested in the Secretary of State. Being perfectly satisfied in his own mind, that cogent reasons existed, quite independent of the offence for which De Berenger was indicted, for the measures that had been taken, he would oppose the motion.

Sir *J. Newport* observed, that from the appointment of the committee to inquire into Colville's case, three years ago, no inconvenience had arisen. His Majesty's ministers, therefore, if they were conscious of their own rectitude, ought to have satisfied the House in this case, in which it was more than suspected that the Alien Act had been transgressed. It was too much, to trust implicitly a power so liable to abuse as that of the Alien Act, to any body of men.

Mr. *Wilberforce* expressed his opinion, that if there were no coincidence between the arrest of the petitioner, and the offence respecting the Stock Exchange, no notice would have been taken of that arrest; and from the reputation of the noble lord at the head of the home department, he could not think it justifiable to impeach the exercise of his lordship's discretion in this transaction. He therefore did not feel it necessary to appoint the proposed committee.

Mr. *Bernard* said, the House was not called upon to deliberate on the expediency or inexpediency of the alien laws; but merely, whether, in the present instance, power had been over-executed. A certain power was given by law to the Secretary of State, which extended even to the opening of letters, &c.; and those who were best acquainted with the noble lord, must be firmly convinced that such a power was vested in safe and honourable hands. For these reasons, he would vote against the motion, not feeling that any case was made out warranting the interposition of the House.

Mr. *Barham* declared, that although he felt no sympathy for Mr. De Berenger, yet, aware that if the violation of the law and personal liberty were tolerated with regard to the worst man in society, the precedent might be acted upon towards the very best, he thought it his duty to vote for the motion. By the opponents of the motion an apprehension was stated, that public inconvenience might result from the appointment of the proposed committee; but it appeared, that in the only instance quoted of a similar committee, no inconvenience whatever had occurred; therefore the apprehension expressed was not warranted by any experience. He concluded with expressing his astonishment at the professed inability of the right hon. gentleman (Mr. Addington) to answer the questions put to him, respecting the nature of the communications between the Secretary of State and the committee of the Stock Exchange; as the right hon. gentleman ought not to be ignorant of the transactions of the office with which he was officially connected.

The *Attorney General* vindicated himself from the charge of endeavouring to mislead, by the statements which he had made on a former discussion of this subject, or that he had attempted, as was insinuated, to impose the art of a cunning lawyer upon plain country magistrates; for, what he had said he was fully prepared to justify. He denied, upon the high authority of the Secretary of State, that the warrant of that officer against the petitioner was lent, upon false pretences, to aid the prosecution of the Stock Exchange. Indeed, the character of the Secretary of State would be a sufficient answer to any such charge—So much as to the arrest and detention of the petitioner. Then, as to the detention of the papers of the petitioner, or their delivery to the Stock Exchange Committee, he maintained that the Secretary of State, or any other public officer, was entitled to make a similar use of any papers in his possession, to further the ends of public justice; nay, that a public officer was in duty bound to make that use of such documents, however he might have become possessed of them. To shew that this doctrine was sanctioned by the practice of the law, the learned gentleman quoted the case of Crossley, already referred to, and also that of Paynter v. Brookes, which occurred at the Bedford assizes. In this case, the defendant produced a receipt in full for the principal and interest of the plaintiff's demand; but, upon examination, it turned out to be a receipt only for the interest.—The jury found a verdict accordingly, and the defendant required the receipt to be given up to him: but no, said the court, and the defendant was committed on a charge of forgery; of which charge he was acquitted, because the evidence was incomplete. He (the Attorney General), however, quoted the case to demonstrate that documentary evidence, by whatever means obtained, could be legally used to promote the administration of public justice; and hence he argued, that the papers found in the possession of the petitioner were legally applied, notwithstanding the objections of the hon. mover.

Mr. *Horner* observed, that the cases cited by the learned Attorney-General referred to charges of felony, and not to misdemeanour, and therefore were not applicable to the subject under discussion. This subject he could not, as he before said, hesitate to consider of peculiar importance; and he trusted that whatever might be the vote of that night, this affair would hereafter be sifted to the bottom, at a time when no plea of ministerial responsibility, or public inconvenience, could be urged against the disclosure of the reasons upon which the arrest of Mr. De Berenger was alleged to have taken place.

Mr. *C. Grant* thought the observation of the learned gentleman, as to an investigation of this subject at a future occasion, when no inconvenience could result from it, a sufficient argument against the necessity or propriety of pressing the present motion.

The *Solicitor General* defended himself against the charge of applying any sarcasm to the petitioner. Sarcasm was not indeed his habit or his *forte*—and were it even so, he should be little disposed to employ it against the obscure, the unfortunate, or the distressed. In observing on Friday last upon the suspicious circumstance of demanding the restoration to the petitioner of the identical Bank-notes found upon him, he was misled, by confounding the statements of the Petition with the statements of those by whom it was supported; which he conceived rather an excusable mistake. But he had no intention to prejudice the case of the petitioner; nor could he apprehend that from the manner in which justice was administered in this country, any such prejudice could possibly occur. But as to the arrest of the petitioner, he had no hesitation in declaring, that the Secretary of State would not have done his duty if he had not ordered that arrest: for, independently of any other reasons which might have influenced the conduct of the Secretary of State, and which it might not be proper to disclose, enough had appeared to the world to call for that arrest. The petitioner had had his license as an alien enlarged in consequence of his public services; and what was the use made by him of that enlargement? why, to practise, as it appeared, a base imposture upon the public, in the disguise of a foreign officer, and through that disguise to deceive an admiral in his Majesty's navy—that too at a period when the fate of Europe hung in the balance—when any false statement, particularly of the nature alluded to, might have so influenced some brave man's rashness, or some coward's fear, as to defeat the events which had since happily occurred. Thus did the petitioner appear to have abused the confidence reposed in him by his Majesty's government; and when sought after, in consequence of this imposture, where was he found? why, at a distant port, upon the point of departing from the country without a passport; which departure also would have been a violation of the law, and the confidence granted to this alien. Then as to the papers found in the possession of the petitioner, he contended that the executive government was justified in making use of them, to further the ends of justice with regard to any other criminal offence charged upon the petitioner; and this doctrine he was prepared to justify, whether the offence be felony or misdemeanour. Indeed, he thought that the Secretary of State would have been guilty of a gross dereliction of duty, if he had acted in a different manner. But he would appeal to the common sense and common justice of any man, if he were asked to surrender the papers alluded to, to the petitioner, who might destroy them, or to the Stock Exchange Committee, who required them with a view to the prosecution of justice, to which of the two he would give them? The learned gentleman concluded with repeating his protest against the idea of wishing in any degree, by his observations, to prejudice the case of the petitioner upon trial; but he felt that no such prejudice could be reasonably apprehended. At all events, if any prejudice could result to the petitioner from this discussion, the fault was with those who had pressed the subject into discussion.

Lord *Milton*, adverting to the observation of the hon. gentleman (Mr. C. Grant), expressed a wish to know from some one who could give a satisfactory pledge upon the subject, whether ministers would object to an enquiry as to the transaction at a future period; because such a pledge would less dispose him to press the present motion. For this pledge he was the more anxious, because he thought the affair under discussion involved in great mystery, and deserving of investigation.

Mr. *H. Addington* recollected two communications which the Stock Exchange Committee had had with the Secretary of State's office; the first, in which the chairman of that committee requested that certain papers found in the possession of the petitioner should be detained, with a view to the ends of justice; to which an answer was returned in the affirmative. The second, requesting the Secretary of State to undertake the prosecution of the petitioner; to which the answer was in the negative.

Mr. *Whitbread* replied. He said, that a great deal of responsibility had been cast upon him on this occasion. When he was first asked, whether he thought this was a case for a motion to be made in parliament, he answered, that certainly it was not; but that if any petition was drawn up, couched in decent language, and complaining of any real grievance, he should have no objection to presenting it. For

23 years, a sort of despotic power had been given the crown with respect to aliens, to which there was no other check than the responsibility of ministers. Although the case of Colville was the only one that, before this, was brought before the consideration of parliament, yet it could not be doubted but that in 23 years there must have been many abuses of this power. He knew that there were cases of the most capricious exercise of it. One man had been refused the liberty of going to Brighton to bathe; and he believed there was an instance of a fiddler, who, for playing out of tune at a concert, was not considered worthy of the privilege of being at liberty. In fact, upon the information given by one alien against another, often from motives of private pique, the person accused was often considered dangerous, and undeserving of indulgence. He placed very little weight on the complimentary letters written by De Berenger on his treatment. Many poor aliens signed themselves " your devoted humble servant," when in their hearts they cursed the persons they were addressing. The hon. gentleman, late member for Yorkshire (Mr. Wilberforce) must in his researches have read of many slaves in the colonies, who, while flogged, cried " T'ank you massa." They felt no gratitude for the stripes, but thought this the best way of disarming the anger of those who inflicted them. An hon. and learned gentleman (the Attorney-General) had such an excessive susceptibility, that it was hard to know how to please him. If he was not answered, he complained that his arguments had little weight in that House; if he was answered, he felt equally sore. What was to be done in such a case? Should he speak, or should he be silent?—If he spoke—[The Attorney-General said something across the House, which we could not hear.]—" You see how it is, (said Mr. W.) if I speak, he must speak at the same time." [A laugh.] He never did represent him as a cunning lawyer puzzling magistrates; he rather considered him as a grave and oracular kind of lawyer. He praised his Majesty's ministers for selecting a lawyer, not only of such great endowments, but such extraordinary learning, to place in that high situation. After replying to the objections made by different members, he said, that he was not satisfied with the bare assertion of ministers, but thought that an enquiry was necessary.

The House then divided,—For the motion 32; Against it 157; Majority 125.

CORN EXPORTATION BILL.] On the motion that this Bill be read a third time;

Mr. *Rose* said, he wished to propose a clause by way of rider, which would go to state the price at which corn should be, when allowed to be exported. On this occasion, he would merely ask the hon. baronet opposite, whether this were a fit time to force so important a measure on the consideration of the House, when his right hon. friend the Chancellor of the Exchequer was too indisposed to attend?

Sir *H. Parnell* interrupted the right hon. gentleman to say, that he certainly should force on the question; conceiving that the presence or the absence of the Chancellor of the Exchequer would have no particular influence on the Bill in its present stage.

Mr. *Rose* declared, he would make his solemn protest against it, as one of the most mischievous measures that had ever been brought before that House. We were now about to allow the export of corn at all times, and under all circumstances; and he was sure that neither the hon. baronet, nor hardly a member of that House, was aware of what they were going to do. He would risk his life, that if the Bill had been postponed, and a committee appointed, such proofs would have been adduced, as would have made them pause instead of hurrying so vital a measure. Were gentlemen aware that on some occasions foreign corn had been imported, and afterwards exported at 15*s.* a quarter higher than its importation price; and were they aware to what this might lead? He would incur the imputation of faction, or any other imputation, rather than see a measure of this injurious tendency thus precipitately carried. What, he would ask, would be the feelings of the country, on seeing quantities of corn going out of the island in times of scarcity, and going, too, at high prices? The right hon. gentleman then read a paper which he had sent to the Custom-house, we believe in 1805, in proof that it was necessary to stop the export of corn at that period. He then resumed his objections to the Bill, and contended that we were going to do away a system that had existed for 400 years. Precautions had always been deemed necessary to prevent quantities of corn from going out of the country; and now we were breaking into the system at once, at the moment when the king has the power to stop the exportation; and this innovation we were making on such evidence as no parliament had ever yet acted upon since the beginning of time. The right hon. gentleman, after many similar observations, concluded with saying, that his rider was intended to give the king a power, with the advice of his privy council, to stop the exportation whenever the exigencies of the country might require it. He was satisfied with having done his duty in opposing the Bill; and if it were suffered to pass, all he hoped was, that it might not be productive of serious injury to the country.

Sir *John Newport* observed, that the same objections had been made, and the same precaution proposed, when the Corn Exportation Bill had been introduced in Ireland. But he had then suggested (what he thought would apply equally in the present instance), that the best course would be for the executive government to interfere to stop the exportation of corn, in any case of extreme necessity, and afterwards to come to parliament for indemnity. Before this method was adopted, and while it was left at the discretion of the privy council to suspend the operation of the law, a prohibition was issued every two or three years. As to what the last speaker had said of the purity of his motives in the side of the question which he espoused, he thought it was, to say the least, invidious. The motives of every gentleman were to be supposed to be public, and their views equally directed to the general good.

Mr. *Davies Giddy* was for restricting the exportation of corn within certain limits. In a time of impending famine, he thought it ought not to be allowed; and if the right hon. gentleman had proposed to fix a price above which it ought not to be exported, his amendment would have had his support.

General *Porter* spoke in favour of a further protraction of the measure; as many members had then left the House, under an understanding that the Bill would not be discussed that evening. He should therefore propose as an amendment, that the third reading of the Bill be postponed till Thursday next.

Mr. *Rose* expressed his readiness, between that day and Wednesday or Thursday, to consider a proper price at which exportation should cease. It would, he conceived, be a most lamentable thing, if a system which had been acted on for 400 years were put an end to without inquiry—without, he would say, many gentlemen in that House, who supported the measure, being exactly aware of what they were doing.

Sir *H. Parnell* was surprised that the right hon. gentleman had not stated his intention of moving this clause at an earlier stage of the Bill. It was most extraordinary, that he had permitted it to go through the committee, without making known his intention; and now, on the third reading, he came forward with his opposition. As to the observation of the hon. general who had moved the amendment, it did not apply to the Bill then before the House, which had been frequently discussed—but to the Bill for regulating the importation of grain, which had gone through a committee, *pro forma*, and would be debated in another stage.

Mr. *Rose* said, that, on two different occasions, he had expressed his intention of proposing the clause alluded to; but his right hon. friend (the Chancellor of the Exchequer) had advised him to defer it. He had done so, under the impression that his right hon. friend was favourable to the clause; but it appeared he had changed his mind, and was hostile to it.

Mr. *Lushington* said, that, on the general question, much misapprehension had taken place. He was sure that it was the great wish of those who supported the measure, to have an abundance of grain in the country, at the cheapest possible price. Now, unless agriculture were protected, this could not permanently be the situation of our markets. If they were perfectly sure that the country would always enjoy peace, then he would leave grain open, like any other article. But what would be the consequence if the state of agriculture were disturbed by admitting grain into our markets at 60*s.* or perhaps 55*s.* which would occasion great quantities of arable land to be converted into pasture—what, he would ask, would be the effect, if, in this state of things, war broke out? We should be deprived of every resource. Under this impression, he conceived due encouragement should be given to the farmer. That encouragement, in his opinion, was amply provided for in the schedule of the hon. gentleman below him (Mr. Huskisson), and he should be happy to see it adopted.

General *Porter* withdrew his amendment.

Mr. *Western* disapproved of a proposition which gave to the executive the power of preventing importation when they thought proper. In his opinion, the executive ought to be left to act upon their own responsibility whenever the occasion called for their intervention. They could afterwards apply to parliament for an indemnity.

Mr. *Brand* said, if the right hon. gentleman would propose a positive sum, at which exportation should cease, instead of giving a discretionary power to the executive to interfere when they thought proper, he would vote for it. If the right hon. gentleman were not prepared with such a clause at that moment, he should be sorry that those who supported the Bill should not agree to a postponement of the motion, till he had considered the subject. It would be most satisfactory to the country to see that they were thus proceeding with all the gravity and deliberation that should characterise a British senate.

Mr. *Canning* was perfectly satisfied with the Bill as it stood. If, however, it were determined to introduce a clause, prohibiting the exportation of grain when it arrived at a certain price, the only proper way in which that purpose could be effected was, to withdraw the existing Bill altogether, and to introduce a new one. When it arrived in the committee, this new question, as to the price at which exportation should cease, could be properly debated. With respect to the specific proposition of the right hon. gentleman, he would oppose it in every stage. It was much better to leave it to the responsibility of the executive to act, than, by such a provision, to call on them imperatively to interfere.

The *Speaker* wished to remind the House, that the question before them was, merely, whether the Bill should be then read the third time?

Mr. *Canning* was aware of this.—He had no objection to the third reading—but he thought it right to state his opinion, lest, after what had passed, he might be supposed to be favourable to the clause.

The House divided—For the third reading 107; Against 27;—Majority 80. The Bill was then read a third time. During our absence from the gallery, Mr. Rose proposed his clause, as a rider to the Bill.

Mr. *Ponsonby* said, that the right hon. gentleman had all along stated himself to be an enemy to the free export of corn; and, however he might attempt to disguise his intention, it appeared evident that the object of his clause was to curb and fetter a free exportation. The clause was not introduced to prevent scarcity—but, as he had failed in shaking the principle of the Bill, he hoped he should be able, by the introduction of this provision, to destroy its effect. The right hon. gentleman said, if they went into a committee, they would, perhaps, change their opinions, from the information that would be placed before them; but on this subject the House had already decided. An hon. gentleman (Mr. Bankes) had already moved for a committee; and the majority against the proposition was so great, that the right hon. gentleman must entertain very slender hopes of succeeding in carrying such a motion. He objected to the clause, first, because it would clog and retard the free exportation for which the Bill provides; and next, because it exposed those who exercised the powers of the government to perpetual solicitations from private individuals in the corn trade. They all knew how easy it was for great capitalists to unite on a subject like this, and to perplex, and even intimidate, a weak administration. If a particular price were fixed at which exportation should cease, he thought it would be even more mischievous than the proposition then submitted to them; for no man could say, under the various circumstances in which the country might be placed, at what price the export of corn ought to terminate. The only remedy for the evil which the right hon. gentleman seemed desirous to cure was, the wisdom and firmness of government. The ministers of the crown should act, when it was necessary, on their own responsibility, and then call upon parliament to indemnify them. When placed in that situation, they would be freed from that importunity, to which, if the right hon. gentleman's clause were agreed to, they would be exposed; and, knowing that they were responsible for their conduct, there was the less apprehension that they would use their power improperly.

Alderman *Atkins* would not agree to a free export, with a prohibited import, of grain. Gentlemen might tell him that the latter measure was not before the House; but he contended that it was not possible to divide them. The fact was, that the two Bills ought to go hand in hand together. With respect to the clause then before the House, he was friendly to it.

It was not when an article had arrived at such a price that it could not be profitably exported, that they wanted the intervention of government. No; the wisdom, the foresight, the judgment of the executive ought to be actively employed, before that period arrived.

Sir *H. Parnell* said, the arguments of those who opposed the Bill went to prove, that this country could not compete with the foreign markets in the article of grain. If this were the case, no mischief could ensue from it, as none would be exported. But, looking to Ireland, it was of very great importance; since, from that country, he had no doubt, very large exports would be made, to the infinite benefit of her agriculture.

Sir *C. Monck* thought the best security against excess of exportation, would be found in the comparative lowness of price in the foreign market.

Mr. *Rose* observed, that at Amsterdam wheat was 10*s.* a quarter dearer than in our own market; and that if they would grant him a committee, he would produce a hundred similar instances.

Sir *C. Monck* replied, that, admitting the statement of the right hon. gentleman to be correct, it did not invalidate his argument. It would cost 10 or 15*s.* per quarter freightage, which, with some port duties and insurance, would still render British corn dearer than foreign in the foreign market.

Mr. *Lushington* stated, that in France wheat was sold for 38*s.* the quarter; and at Riga, Courland wheat at 47*s.*

Mr. *Canning* observed, that though he considered the clause perfectly unnecessary, because it professed to bestow a power which already existed, yet, if the adopting it without any amendment would be any consolation to the right hon. gentleman, or any relief to the alarm that had been excited out of doors, he should have no objection to its incorporation with the Bill.

Mr. *J. P. Grant* said, that one powerful reason with him for not agreeing with the clause, was precisely that which induced the right hon. gentleman (Mr. Canning) to support it, because it was perfectly unnecessary. He had another objection also. The clause would not only produce no good effect, but it would produce a very bad effect. It would create fears in the agriculturist, while the object of this measure was to give him confidence; and it would, so far, do away the beneficial tendency of it altogether. It was the bounden duty of the executive government, and it was always in its power, to stop the exportation of corn when occasion should call for it, and look with perfect confidence to that House for indemnity. The fears entertained could be only the result of ignorance, and he hoped they had been excited too by ignorance; but he was sure they had been provoked by very improper means.

Mr. Western and Mr. D. Giddy opposed the clause.

The gallery was then cleared, but no division took place; the clause was rejected and the Bill was passed.

List of the Minority on the third reading.

Allan, A.
Babington, T.
Calvert, C.
Davis, R. H.
Dowdeswell, J. E.
Foulkes, E.
Harvey, C.
Langton, W. G.
Leader, W.
Lefevre, C. S.
Lockhart, W. E.
Maitland, E. F.
Majoribanks, J.
Mellish, W.
Moore, P.
Northey, W.
Porter, gen. G.
Protheroe, E.
Rancliffe, lord
Rose, G.
Scott, Sam.
Shaw, sir James
Stephen, J.
Ward, ——
White, M.
Wilberforce, W.
Wilkins, W.

TELLERS.

Atkins, J.
Combe, H. C.

HOUSE OF COMMONS.

Tuesday, May 24.

Petition of the Roman Catholics of Ireland.] Mr. Grattan presented a petition of the Roman Catholics of Ireland; setting forth, "that the petitioners again approach the legislature with a statement of the grievances under which they labour, and of which they most respectfully, but at the same time most firmly, solicit the effectual redress; their wrongs are so notorious and so numerous that their minute detail is quite unnecessary, and would indeed be impossible, were it deemed expedient; ages of persecution on the one hand, and of patience on the other, sufficiently attest their sufferings and their submission; privations have been answered only by petition, indignities by remonstrance, injuries by forgiveness: it has been a misfortune to have suffered for the sake of their religion; but it has also been a pride to have borne the best testimony to the purity of their doctrine by the meekness of their endurance; and that the petitioners have sustained the power which spurned them, they have nerved the arm which smote them, they have lavished their strength, their talent, and their treasures, and buoyed up on the prodigal effusion of their young blood the triumphant ark of British liberty; the petitioners approach then with confidence an enlightened legislature: in the name of nature they ask their rights as men; in the name of the constitution, they ask their privileges as subjects; in the name of God, they ask the sacred protection of unpersecuted piety as Christians: are securities required of them? they offer them, the best securities a throne can have, the affections of a people; they offer faith that was never violated, hearts that were never corrupted, valour that never crouched; every hour of peril has proved their allegiance, and every field of Europe exhibits its example; and that the petitioners abjure all temporal authority, except that of our sovereign; they acknowledge no civil pre-eminence, save that of our constitution; and for their lavish and voluntary expenditure, they only ask a reciprocity of benefits; separating, as they do, their civil rights from their spiritual duties, they humbly desire that they may not be confounded; they render unto Cæsar the things that are Cæsar's, but they must also render unto God the things that are God's; their church could not descend to claim a state authority, nor do they ask for it a state aggrandizement; its hopes, its powers, and its pretensions, are of another world; and when the petitioners raise their hands most humbly to the state, their prayer is not that the fetters may be transferred to the hands which are raised for them to heaven; they would not erect a splendid shrine even to liberty on the ruins of the temple: in behalf then of five millions of a brave and loyal people, the petitioners call upon the legislature to annihilate the odious bondage which bows down the mental, physical, and moral energies of Ireland, and (in the name of that Gospel which breathes charity towards all) they seek freedom of conscience for all the inhabitants of the British empire; may it therefore please the House to abolish all penal and disabling laws, which in any manner infringe religious liberty, or restrict the free enjoyment of the sacred rights of conscience, within these realms."

Mr. *Grattan* said, that it was not his intention to move for any further discussion on the subject of the claims of the Catholics, under the present circumstances. In this, he begged to be understood as expressing his own opinion, which he found coincided with that of many other members of the House. He could by no means say that it was the wish of the Catholics that the discussion should not come on now. Many of them, he believed, wished that the discussion should now come on. But under the present circumstances, it was his opinion, that it would be desirable not to have any discussion on the subject at present; nor to have any ulterior measure proposed. In the mean time, he moved, that the petition do lie on the table.

The petition was then ordered to lie on the table.

Sir *John Cox Hippisley* moved for the production and printing of two papers; which, he lamented to observe, were the last of the class, properly official, that he could obtain from the offices of government, or from the records of parliament. He lamented this much, as he had once flattered himself with being the means of producing, through the report of a select committee, many other important documents; the House, however, had unfortunately shut themselves out from that information; and however he might himself regret it, it was not for him to censure their decision. In moving for these papers, he thought it his duty to correct a mis-statement connected with his former motion, which had found place in several of the public prints. He had been represented as having asserted, that a large sum of money had been sent to Ireland from Rome, for the purpose of founding a Jesuits' college. He had in fact made no such assertion; but had re-stated, as he had before stated in parliament more than twelve months since, that such a remittance had been made from hence to Ireland, for the purpose of being appropriated to a seminary of ecclesiastical education. He also stated, that nearly 16,000*l.* of that sum had been paid for the purchase of Castle-Browne in Ireland, and that a professed Jesuit had been placed at the head of the institution. In stating also the circumstance of the construction of an oath, as avowed by Mr. Francis Plowden (not Browne, as also erroneously stated), in his History of Ireland, sir J. C. Hippisley had been also equally misrepresented. In Mr. Plowden's construction, oaths were to be considered as obligatory—"secundum intentionem jurantis," and not "secundum intentionem imponentis." This sir J. C. H. was represented also, in many of the public prints, to have applied generally, as a Catholic principle; whereas he expressly stated, that it was opposed to the recorded opinions of the soundest Roman Catholic theologians, and their most accredited jurists, particularly naming St. Isidore and Justinian, as well as Dr. Paley, and other writers of the establishment. Sir J. C. H. then moved, "That the report made to lord Wm. Bentinck of the state of the Roman Catholics in India; and also the report of the proceedings in council relating to the estates of the Jesuits in Canada, be printed."—Ordered.

PETITION OF MR. ARTHUR MORRIS, HIGH BAILIFF OF WESTMINSTER.] Mr. *Lockhart* stated the great hardship and injury which the high bailiff of Westminster had sustained, in consequence of not being able to recover the expences of erecting hustings, at Covent-garden, for the two last elections for Westminster. As the returning officer for that populous city, he was compelled, by act of parliament, to erect a hustings and provide poll-clerks, under a penalty for his neglect; and the Act said, he should recover the money so expended from the candidates. Sir F. Burdett had, however, refused to pay his quota; and the high bailiff, in trying to recover it by law, had been nonsuited, and put to the expence of a sum not much short of 2,000*l.*, the court of law having determined, that sir Francis had shewn he was not a candidate. He, therefore, moved, that the Petition of the high bailiff be referred to a committee, who should report their opinion and observations to the House.

Mr. *C. W. Wynn* saw no reason why the high bailiff should be re-imbursed by the public. He understood that he had given a considerable sum for his place, and he believed had got a very hard bargain; but he could not see why the public should pay for the misconstruction of an act of parliament, in bringing an action against a person as a candidate, who really was not a candidate. But though he could not recover against him, he might recover against the other two, who were candidates. As such, he should object to the motion.

Mr. *Bathurst* said, the misconstruction was in the legislature who passed the Act, and had unfortunately compelled the high bailiff, under a penalty, to erect hustings, &c. and to look to the candidates for reimbursement. Now it turned out, that a man might be elected without being a candidate. He thought the House ought in justice and fairness to agree to a committee.

Mr. *Wrottesley* thought it would be acting on a wrong principle, and would introduce a bad precedent, to reimburse the high bailiff's expences, and therefore should vote against it.

Mr. *H. Thornton* was of opinion, that as the legislature had compelled the high bailiff under a penalty to incur certain expences, and had, from a defect in its enactment, prevented him from recovering against the candidate, as it professed to do, the House ought to agree to a committee. He observed, that a similar circumstance had taken place at the last Southwark election; where, on account of one of the candidates refusing to pay a part, the others also had refused to pay the whole expence.

Mr. *Harvey* approved of a committee; and observed, that it was not necessary the committee should give an opinion on the question of remuneration, but on the whole of the case.

Mr. *Bankes* contended, that the case of Southwark was very different, as the expence ought to fall on those who were really the candidates. He was against the motion.

Mr. *Lushington* thought the House should indemnify the returning officer for his expences; and if all the sheriffs of England were placed, at the same time, in the same predicament, they would have the same claim for being indemnified.

Mr. *Peter Moore* thought that if the officer acted under a misconstruction of the Act, he ought to be indemnified.

Mr. *Lockhart* said, it was a part of the duty of the returning officer to prevent confusion by the erection of hustings, and by making other arrangements. If he was not indemnified either by the House or by the candidates, the consequence would be, that such arrangements would be neglected, and riot and confusion would be the consequence.

The House then divided on the motion—For it, 26; Against it, 17;—Majority, 9.

CORN IMPORTATION BILL.] On the motion, "that the report of this Bill be brought up,"

Mr. *H. Lascelles* took the opportunity (without entering at large into the question) to declare, that in the present state of things he could not assent to the Bill. Before he could agree to such a measure, he thought it necessary to be convinced that there had been a state of things adverse to the interests of the landholders and farmers up to this time. So far from this being the case at present, he found, by referring to the proper documents, that there had for several years been a progressive rise in the price of corn. The House was really called upon to legislate on the subject without knowing what the real state of things was. Under these circumstances, he should wish the House to wait and see what would be the consequences of the alteration that would take place from the removal of a great part of the burdens under which the tenant now laboured, before they decided on so important a question.

Mr. *Grenfell* wished the decision to be postponed, on the ground that the House was not in possession of information on which it could proceed on so important a question. The agitation which had been caused in the public mind on the subject, was another strong reason why they should delay. He did not himself think that the object of the Bill was to raise the price of corn; but certainly its object was very much misconceived. Even farmers misunderstood it; for within the last 24 hours he heard a farmer say, that the Bill would seriously injure the agricultural interests, because it would fix the price of corn at 87*s.* per quarter. He therefore thought that time should be given to have those misunderstandings cleared up. He did not approve of the graduated scale.

Mr. *Rose* would not lose any opportunity of expressing his sentiments on the precipitation with which the House had acted. The measure was not even understood by members of the House. They were proceeding without any inquiry. He would not talk of the report of last year. It was such a one as ought not to be proceeded in, even in the matter of a decision on a turnpike road. No inconvenience could result from the postponement of the decision; while, by deciding now, the country would be exposed to an unnecessary trial. If a proper inquiry was only instituted, he was convinced that no two sensible men would differ in their opinion of the subject; because, justly considered, the agricultural and commercial interests were identified.

Mr. *Lushington* regretted that the House was drawn into a discussion that day, contrary to the understanding of the House on the former night, and in the absence of the Chancellor of the Exchequer, who had not conceived that any objection would have been made to the receiving of the report.

Mr. *J. Smith* said, that an extraordinary degree of feeling had been excited in the manufacturing districts by this measure; the consequences of which applied to every man, woman, and child in the kingdom. The safest course appeared to be delay, which might remove many great errors in public feeling. He admitted, that it was the interest of our manufacturers to promote the agricultural interests in Ireland, as Ireland was their best customer.

Sir *H. Parnell* maintained that there had been no precipitation, as the subject had been before parliament a whole year. Few matters had received so much discussion. Even now a fortnight's delay was intended, that the question might be more completely understood. This measure was not framed on views of importation; but on our own stock of grain, and the means of keeping it up. Postponement was called for by those who did not really understand the subject at all. The reasons stated for doing nothing, were the very reasons why something should be done. The artificial state of prices for several years past rendered this necessary. Our exclusion from the continent had given a prodigious stimulus to our internal agriculture. How would it stand with our manufactures, if we were to let in foreign goods, as some now wished to let in foreign grain? Leave the law as it at present stood, for six months longer, and agriculture might become quite unprotected. Would the farmer sow as much corn as if this Bill were passed? Give him protection, and he would go on, growing a sufficient supply for our home consumption; which, if the foreign corn were let in, it would be impossible to expect.

Mr. *Finlay* remarked, that, for want of proper evidence, they could not understand the effect of the present state of things, nor the consequence of competition with foreign grain. The consumer and grower had the same interest; and certainly the agricultural interests of Ireland deserved their consideration and support; but while he wished the prosperity of Ireland, he could not be indifferent to the interests of the people of this country. He was not for precipitating a measure, of the results of which the hon. baronet said many were so ignorant, while at the same time he refused them all information. Modified as the Bill was, it was rendered little mischievous; but yet it was not such a Bill as he could wish to see passed. There was no evil probable from importation this year; and there could be no absolute necessity for the measure.

Mr. *Huskisson* said, he had come to the House in the full expectation that no discussion would have arisen on the measure in its present stage. As to the charge of precipitation, he believed there never was a measure which had come before that House that was less liable to it. Nearly a month had elapsed since the Resolutions had passed, and yet they had not got into a law. It was certainly not his intention to hurry the measure: he merely meant to propose to the House to receive the report; and that the Bill, being then ordered for printing, should not be further contended till Monday, the 6th of June, which would afford a whole fortnight for its consideration. He would agree that there was abroad a very considerable alarm, as well as misrepresentation of the subject, by the assertion that its view was to raise the price of bread; but it would be found that the measure had nothing in it of so mischievous a nature. Persons out of doors, it was well known, would always misrepresent and exaggerate the tendency of measures before that House; and it was as true as unfortunate, that such misrepresentations were always listened to. Yet if this subject were fairly looked at, it would be found not calculated to create a pressure upon the poor, but to prevent those fluctuations in the price of corn, which had, at certain intervals, caused so much calamity, and which will periodically return, if not frustrated by this measure. He would add, that if this Bill did not pass into a law in the present session, the alarm which had prevailed among those who had devoted their capital to agricultural pursuits, would be felt next year in the full extent of calamity. However, instead of saying any thing that might excite debate, he should merely move that the report be now received, and the Bill be printed.

Mr. *Horner* said, that the complaint was, not that the subject had not been enough debated, but that it had not been sufficiently inquired into. In the report of the committee there was no information. Not a single practical corn-dealer had been examined, in order to afford such information as alone would be satisfactory to persons not conversant with the subject; all that the report contained being some statistical knowledge respecting Ireland. The proposition of an hon. gentleman (Mr. Bankes) for the appointment of a committee to inquire into the subject had been rejected, and the House was without any information even of the price at which foreign corn could be imported. The right hon. gentleman (Mr. Rose) was the only person who had stated the price (Mr. Rose said across the table "conjecturally"); but that statement, as the right hon. gentleman said, was merely conjectural, and he might be allowed to say very erroneous (a laugh); as he had not taken into consideration the exchange. The right hon. baronet (sir Henry Parnell), who so violently upbraided the ignorance of the opposers of the Bill, was inconsistent in his remarks; as he said that the protection of parliament was necessary to the farmers, while he asserted that it would not influence the price of corn. The House, he thought, should be indulgent to the public feeling; and though no one should consent to relinquish a measure which he thought necessary, yet an inquiry might be entered into, and the measure delayed until the people were more reconciled to it.

Sir *H. Parnell*, in explanation, said, he had not stated the exclusion of foreign grain (well knowing that much had been imported), but the interruption of foreign importation, to be the stimulus that kept agriculture in a progressive state.

The Report was then received, and ordered to be taken into further consideration on Monday, the 6th of June.

Alderman *Atkins* wished to know what proceeding would then be taken on it.

The *Speaker* said, he supposed the Report would be re-committed; but he wished the intended proceeding to be distinctly understood.

Mr. *Huskisson* had no objection to its being recommitted, if any clause was intended to be proposed.

Mr. *Horner* hoped, that whether any alteration were, or were not proposed, the Report would be recommitted, for the purpose of being more fully discussed.

Alderman *Atkins* expressed his intention of proposing a clause then, unless permitted in the subsequent stage.

Mr. *Bathurst* said, it was the usual course to permit the proposal of clauses in such cases.

Mr. *Lushington* said, it was the understanding of his right hon. friend (the Chancellor of the Exchequer) that the Bill should be then passed *pro forma*, and fully discussed in the following stage.

HOUSE OF LORDS.

Wednesday, May 25.

APPEAL—SCOTT *v.* M'INTOSH.] The *Lord Chancellor*, previous to his moving the judgment of the House, shortly addressed their lordships upon the nature of this case. It appeared, that James Scott and others were the conductors of an insurance for the militia at Dundee in the year 1808. On the 5th of January in the same year, there was a proceeding had upon a ballot for the militia for the county of Inverness; and M'Intosh (a poor foxhunter) and Macdonald were named as persons who were to serve; in consequence of which the latter was now serving himself, and the former by substitute, in the militia. It was, however, stated on the part of the respondents, that they applied to the appellants and paid the price of their insurance; in consequence of which an instrument was delivered to them, bearing date the 11th January that year. Looking to the instrument itself, the nature of the policy was, either to find a substitute, or pay the penalty to which the respondents would be liable if they should, from the date thereof, be drawn as men to serve in the militia; and therefore in itself could not bind the insurers to any occurrence of that sort prior to the 11th of January. But it had been stated, though not so clearly as it might have been, that these parties did, in fact, effect their insurance on the 2d of January, and received a document in evidence of their doing so from a clerk; but which they delivered up upon receiving the more formal one of the 11th of January. The noble and learned lord expressed himself as feeling very much for persons situated like the respondents; and regretted that, upon principles of law, he did not see how in this case they could with propriety be relieved. Because, though a proceeding had taken place on the 2d January, for the ballot of militiamen, it seemed an illegal one, and a mode that was not suggested by any one of the militia statutes; and certainly the insurers were not liable to pay, if the respondents were not bound to serve. Much had been said about a number of other cases which would be decided by the determination of this—but it was not for him to look to other undecided cases, when he was forming his opinion upon the present—though he could not say that those other cases would be decided by this, unless they were precisely the same in their circumstances. The noble and learned lord said, that upon the motion, "that the judgment of the court of session be reversed," he should give his vote in the affirmative.

The Earl of *Hardwicke* thought that insurances for the militia were rendered illegal.

The *Lord Chancellor* remarked, that the law against illegal insurances did not apply to the period of this transaction.

Judgment was reversed accordingly.

HOUSE OF COMMONS.

Wednesday, May 25.

PETITION OF THE CORN DISTILLERS OF ENGLAND.] Mr. Brand presented a petition of several corn distillers of England; setting forth, "that the importation of Irish spirits into Great Britain, or of British spirits into Ireland, has been for a considerable time past, and now is, suspended, in consequence of doubts having arisen whether the regulations under which the drawbacks and countervailing duties paid or payable on spirits the manufacture of Great Britain and Ireland, imported from either country into the other, do not operate as a bounty on such exportation of spirits, contrary to the sixth article of the Act of Union, until proper provisions could be made for regulating the intercourse, between Great Britain and Ireland, in relation to spirits the manufacture of either country; and that such suspension will cease and determine on the first day of July next; and praying, that the doubts which have arisen, and the regulations which are necessary, may be forthwith taken into consideration by the House, or that the suspension of intercourse may be further continued until the investigation has taken place, and sufficient time afforded for a Bill being passed for putting the trade in spirits between the two countries upon a just, fair, and equal footing."

In illustration of the hardships complained of by the petitioners, the hon. gentleman stated, that above 370,000*l.* had been paid for duties on spirits in this country, which were not disposed of.

COPY RIGHT BILL.] Mr. *Giddy*, alluding to the Bill relative to copy rights of books, wished to state, that a clause introduced in the Bill, which tended to throw an unmerited reflection on certain establishments for learning, should not have his assent. It had been reported, no doubt erroneously, that these learned bodies authorised the copies of books which were sent to them gratis, to be sold. He had no doubt that the suspicion or accusation was unfounded; and as he was the last man in the world who would countenance such an insinuation, he wished it to be understood, that it was not his intention to preserve the clause in question.

HOUSE OF COMMONS.

Friday, May 27.

ROMAN CATHOLICS OF IRELAND.] Mr. *Grattan*, on presenting a Catholic Petition, spoke as follows:—Sir, I have the honour to present a petition from the Roman Catholics of the city and county of Cork, in favour of the Catholic claims; and I beg now, when the House is well attended, to repeat that which I said on a former day in the presence of a few members; and I say now, that I shall not bring on any discussion nor any ulterior measure on the Catholic Question at present, and my reasons are founded on present circumstances. I shall not enter into a detail of those circumstances; it is sufficient to say, that no proposition can under those circumstances be formed with any prospect of advantage, or with any other effect than to throw back the question, and to throw it back at a time when nothing but precipitation can prevent its ultimate success. I have the greatest expectation that the claims for the emancipation of the Catholics will prevail—I see great and substantial difficulties removed—I will pursue the cause—I will pursue it with ardour, and in the way which appears to me most practicable, and at a time which appears to me most seasonable. My opinion is, that any further proposition at the present time would be an injury to the Catholics; and I have formed this opinion after consulting the members of this House, with whom I usually act on this subject. Speaking of their opinion, I must advert to a mis-statement in the public papers, in which I am made to allude to opinions supposed to be entertained by noble persons belonging to another place. I did not state their opinion—I did not allude to it—I stated only the opinions of the members of this House with whom I act on this question—they are now, I believe, present; and I beg to say, that I am backed by their opinion in declining to bring on any further discussion of the Catholic question at present—He then moved for leave to bring up the Petition.

On the question being put,

Sir *J. C. Hippisley* expressed his concurrence in what had just been said, deprecating precipitation. No final determination could be satisfactory on so important a question, unless preceded by the most deliberate investigation, the necessity of which was still more increased by existing circumstances. It was not his intention to enter into these circumstances; but he thought it necessary to notice, that the Catholic Board was permanently sitting in Dublin, and, in fact, was become a permanent parliament, levying taxes on the Catholics of Ireland. He reprobated their conduct in appealing to the Cortes of Spain, as a most pernicious step. From whom did they appeal? From the well-known justice and liberality of this country; holding it up, by that means, in a character which it did not deserve. He wished the measure to be adopted which he had before recommended, and that as complete a collection of the necessary papers should be made as possible. Any proceeding, he contended, must lie over till next year. He had not heard whether the right hon. gentlemen opposite intended to interfere with the Catholic Board; but it was certainly their duty immediately to suppress it. After the holidays, he should move for further papers that had come to his knowledge, in addition to those he had already moved for.

The petition was then ordered to lie on the table.

CORN LAWS.] Colonel Carew presented a petition from the farmers of the town and county of Wexford, in favour of the projected alteration in the Corn Laws.

Sir *Frederick Flood*, in support of this petition, said, that a great part of the agitation out of doors had been excited by the speeches of a right hon. gentleman whom he had in his eye (Mr. Rose); which he would find, however much he intended it, were not likely to add to his popularity—(a laugh.) He had consulted, he said, others more knowing than himself on the subject; and he found, that those gentlemen who opposed the measure did not really understand it. He complained of an impudent paragraph in some of the papers, denying that Ireland was entitled to a preference; but the interests of Ireland, he contended, were closely connected with this country. Ireland had produced our first generals and soldiers, and had contributed, in a very large proportion, to the defence and glory of this country. Was that country, then, not to be encouraged, in preference to foreigners, particularly as the two countries now formed one united empire, and were one in strength and in interests? The object of this, and of every other country, ought to be, to be independent of foreigners in the great articles of subsistence. We ought to promote our own agriculture and industry; and such, he contended, was the object of the measure. In proportion as they encouraged the agriculture of Ireland, they would diminish the price of the quartern loaf.

The petition was ordered to lie on the table.

Mr. *John Smith* presented a petition from the town of Nottingham, signed by 10,000 persons, against the proposed alteration of the corn laws; which was also ordered to lie on the table.

Mr. *Moore* presented a petition to the same effect from the town of Coventry; setting forth the sacrifices and sufferings of the manufacturing part of the community for several years past; to which they patiently submitted, in the hope that the return of peace would remove all their difficulties. He said, that the petition was signed by 9,000 of the inhabitants, convened at a public meeting, to consider the Bills on this subject before parliament. He begged to assure the House, and particularly those gentlemen who had lately schooled an hon. member for holding communication with his constituents on this subject, that this petition from Coventry did not proceed from any previous suggestions of his; but was the direct and natural emanation of their own just feelings, to which he unreservedly subscribed, lest the price of bread, the first necessary of life, should be increased; and of this, his opinions had been testified to the House, by the uniform opposition which he had given to the measure. Mr. Moore entreated the attention of the House to the very reasonable, respectful, and dispassionate petition, which he held in his hand, and which, however vitally important to the wants and relief of the people, only prayed the temporary postponement of legislative interference, until another session, in order to give a breathing time, as it were, for the benign influence of peace on the markets; and, he said, this prayer would be found the more reasonable, when the House adverted to the long and manifold sacrifices which the people had made for upwards of 20 years, on the fair hope and reasonable expectation, which the House itself had uniformly and constantly held out to the people, that the approach of peace would relieve them from taxes, and ameliorate their condition in every other respect. Mr. Moore said, if the House now proceeded to the adoption of these measures, which had produced such universal alarm throughout the country, he feared the people would feel at once disappointed of all their fair expectation of relief to themselves and their families, and resign themselves to despair. Their burthens, he said, had been very great; but their resignation and cheerfulness, which the world had witnessed, had been most exemplary, believing all these burthens to be indispensably necessary for the honour, the security, and the defence of the empire; —but now, only one short month, under the benign influence of restored peace, had elapsed to reduce the price of the first necessary of life, and a proceeding was instituted again to raise the price to the war-rate! Whether this was correctly so or not, the people believed it: and their apprehensions could not fail so to influence his feelings, as pointedly to deprecate all further interference.—No class of his Majesty's subjects, Mr. Moore said, had undergone greater privations and made greater sacrifices during the war, than his constituents, believing them to be necessary and unavoidable—but, the season of promised relief being arrived, he trusted the House would realise the full measure of all their assurances to the people, by that solid and substantial diminution of their pecuniary burthens, for which the public faith and honour had been so long, so solemnly, and so unequivocally pledged.

The Petition was supported by Mr. Butterworth, and ordered to lie on the table.

Impressment of Seamen.] Lord *A. Hamilton* presented a Petition from the ship-owners of the ports of the Clyde, praying, that the mates of ships of 50 tons and upwards may not be subject to impressment. His lordship wished to know from some of the gentlemen belonging to the Admiralty, whether the orders of the Admiralty for impressment were *generally* given; as he understood there were complaints of much partiality being exercised with respect to different places.

Mr. *Bennet* wished to know whether the impress service was still continued on the Thames.

Mr. *Finlay*, in seconding the petition, said, the subject was deeply interesting to those parts of the country from which the petition had proceeded; and he hoped some measures would be taken to prevent any further proceedings.

Lord *A. Hamilton* said, as no answer had been given to his enquiry, he should move, after the recess, for a copy of the orders of the Admiralty. Should this proceeding be disagreeable, the right hon. gentlemen would have themselves to blame for it. He understood that great partiality was exercised as to some ports.

Mr. *W. Dundas* said, he was certainly justified in remaining quiet on the subject till he had ascertained these circumstances, rather than in giving any supposition of his own on so delicate a question. He should certainly enquire.

Mr. *Finlay* contended, that it would be a great object to have the practice converted into some specific law which would bear equally on all, and which all might know. The object of the petition was, to prevent the masters of vessels of 50 tons being exposed to be taken by captains of his Majesty's ships, contrary to the spirit of the practice.

Mr. *W. Dundas* said, they were only protected while on board; and might, according to the practice, be taken when on shore.

Mr. *Bennet* repeated his question respecting the impress service on the Thames.

Mr. *Barham* expressed his astonishment that no answer had been given to this question. If this practice were persisted in, there would be an end to all the functions of the Commons. They must, he contended, have an answer; and he hoped that the gentlemen, by consulting together, would be able to give the information required.

Mr. *Horner* thought that the treatment which had just been received from the right hon. gentlemen opposite, was not such as the House was accustomed to. When questions had been twice put by two hon. members, and two persons in office, who should be able to answer them, were in the House, it was not usual for questions so put to be so received. It was contrary, at least, to the courtesy of the House, as far as he was acquainted with it.

Mr. *W. Dundas* insisted, that it was entirely new, in the practice of the House, to ask questions not relative to the subject of debate. The question of the hon. member (Mr. Bennet) had no relation to the Petition of the noble lord. He (Mr. Dundas) was not to be frightened by menace or big words into giving an answer; this was a new parliamentary course.

Mr. *C. W. Wynn* called to order; for the purpose of preventing, what appeared to him, angry discussion.

Mr. *W. Dundas* would repeat, that he thought this way of putting questions, a new parliamentary mode of proceeding. He would, however, answer, that the hon. gentleman (Mr. Bennet) was perfectly misinformed.

Mr. *C. W. Wynn* said, that nothing was more parliamentary, and nothing more convenient, than this way of putting questions; as it often prevented unnecessary discussions.

Army Extraordinaries.] The House went into a Committee of Supply.

Mr. *Arbuthnot* moved that the sum of 3,350,132*l.* 4*s.* 10*d.* be granted for defraying the ordinary expences of the army.

Mr. *Bennet*, in a voice scarcely audible in the gallery, made inquiries as to the meaning of some of the items in the estimates of the year. He asked, what was the reason of the grant proposed to lord Burghersh of 1,000*l.*? There were an hundred persons who would have been glad of the mission to the Austrian army without putting the country to any expence. The father of lord Burghersh had been employed in several lucrative offices; and there could be no reason for giving the noble lord an extraordinary remuneration.

Mr. *Arbuthnot* said, that lord Burghersh had been pitched on as a proper person for the mission in which he was employed, and that there could be no doubt but that he had executed it. A thousand pounds had been advanced by the government for his extraordinary expences, for which he would afterwards account. It was the usual practice in such cases; and the circumstances of the person himself, or the situation of his father, they had certainly no right to take into consideration.

Mr. *Bennet* wished to know, whether the payment of the extraordinary expences of officers employed in these missions had been customary on former occasions?

Mr. *Robinson* said, that lord Burghersh had been subjected to expences, during the latter part of his mission, not to be paralleled on any former occasion; owing to the difficulty of procuring horses for the conveyance of his baggage; the allied army being then in a hostile country.

Mr. *Goulburn* stated, to satisfy the hon. gentleman as to the practice of government towards officers employed on special missions, that it was the constant rule to indemnify those gentlemen for their extraordinary expences; and for the purpose of defraying these charges, a sum of money was usually advanced. Of this there was an example in the case of general Hope, in the same estimates; who, having been sent on a special message to the Prince Royal of Sweden, received 1,000*l.* of which he was to account for that part which might not have been expended by him. The same was done with respect to all officers of similar rank employed in similar missions.

Mr. *Huskisson* wished to know what would be the amount of the army extraordinaries of the current year? As he understood it, five millions had been already taken on account.

Mr. *Arbuthnot* said, that what the amount of the extraordinaries of the year would be, it was not possible to say. It was not five millions which had been already taken on account, but three millions, to which the sum then demanded was to be added; which would make the whole taken on account 6,250,000*l.*

Mr. *Tierney* wished for some explanation as to the mode of voting the sum required.

Mr. *Long*, in answer, stated, that it was not for the services of the current year, as his hon. friend (Mr. Huskisson) and the right hon. gentleman (Mr. Tierney) seemed to conceive, that the present vote was proposed; but for the extraordinary expences of the last year. The nominal amount of the extraordinaries for the last year was 22 millions; but of this 2½ millions were to be deducted, which had been applied to the regular services of the army. This arose from the circumstance, that all bills drawn by the commissary general were ranked under the head of army extraordinaries.

Sir *John Newport* wished to know the purpose of the grants for sums paid by general Sontag, and on account of sir I. Brock.

Mr. *Goulburn* stated, that when, during the revolutionary war, Holland was occupied by the French troops, several Dutch officers had taken refuge in England; to whom an allowance was made through general Sontag. When Holland became free, it was signified to these officers that the pension would be discontinued; but, as many of the pensioners were without the means of returning to their own country, it was resolved to advance one year's pension to them for that purpose; which was the item alluded to. As to sir Isaac Brock, when that gallant officer died, he had not been invested with the order of the Bath which had been granted to him. His relatives, however, being desirous that all possible honours should be paid to him, wished that the arms of the Bath should be placed on the tomb voted by parliament. The item alluded to was the amount of fees paid to the officers of the order.

Sir *J. Newport* wished to call the attention of the government to the Irish adjutants of militia, who (he knew not why) were not placed on an equality, in point of pay, with the same officers in the English militia. He hoped that, in the half-pay arrangement, the case of this class of officers would be considered.

Mr. *Peel* said, the disparity of the pay of these officers had not been overlooked; and that there existed a disposition in the government to put them on a footing of equality.

The vote was then carried.

On the motion of Mr. Lushington, the sums of five millions and one million were then voted to provide for Exchequer Bills outstanding and unprovided for.

Grants to Lords Lynedock, Hill, and Beresford.] The report of the committee on the Message of the Prince Regent, relative to the grant to lord Lynedock, was received and agreed to, and leave given to bring in a Bill accordingly. The report on the Message respecting lord Hill was brought up. On the question that the resolution of the committee be agreed to.

Mr. *C. W. Wynn* said, he was sorry to have to make any observations respecting the proposed grants in the thin state in which the House then was. He was happy to have prevailed with his Majesty's ministers to consent to render the annuity perpetual; but he thought that it was, in the case of lord Hill, still inadequate to the support of the dignity to which it was attached. In the case of lord Lynedock, there was a paternal estate of some amount, which went to the support of the dignity. Lord Hill had no advantage of this kind, and being one of 13 children, of whom five had distinguished themselves in the service of their country, and one of whom had lately died leaving seven children, could expect no addition to his fortune from his family estate. The pensions granted to meritorious officers were much reduced since the union with Ireland. Before that time, when officers were made peers, it was customary to vote them 2,000*l.* a year from the English Exchequer, and half as much from the Irish. This was the case in the instance of admiral Rodney, who was at the time supposed to be opulent. Lord Hill had served the country from his earliest youth—in Toulon, in Egypt, and in Spain; and he hoped the right hon. gentleman opposite (Mr. Bathurst) would consent to a postponement, as he should not propose any alterations in the grant in the thin state in which the House then was.

Mr. *Bathurst* lamented that the observations of the hon. gentleman (Mr. Wynn) were not heard by more members. He thought the apportionment of pensions to officers, on account of their private circumstances, a matter of great delicacy. The House, however, should be informed, for its satisfaction, that the amount of the grant proposed to lord Hill had been fixed with the consent of his family, although their moderation should not prescribe limits to the liberality of the House.

Sir *John Nicholl* said, the peerage was the reward for the service, and the annuity the means of supporting it. Two thousand a year seemed utterly insufficient. Under the peculiar circumstances, the matter was worthy of farther consideration.

Mr. *C. W. Wynn* was sure there was no expence this country would bear with so much pleasure, as the providing for those who had procured by their skill and valour such great public benefits. He instanced the cases of lords Rodney, St. Vincent, and Duncan, who had grants both on the English and Irish establishments.

Mr. *Babington* spoke in favour of an increase; which, in his opinion, would not be too much if extended to 5,000*l.*

Sir *James Mackintosh* also spoke in favour of an enlarged grant. He was of opinion, that grants given in reward for merit, and in support of dignity, should be sufficient to enable the receivers to occupy as distinguished a rank in society, as those held who inherited fortunes from their ancestors.

Mr. Wynn then begged Mr. Bathurst to consent to a postponement; which the latter objected to, as he had no authority to give such consent, and as an addition to the grant would be possible in another stage of the Bill.

The *Speaker* gave his opinion, that it would be disorderly to introduce any increase of the grant in the progress of the Bill, without a new Message, Committee, and Report.

Mr. *Bathurst* then consented to a postponement. The consideration of the Report, as also the Report on the Message respecting lord Beresford, was fixed for Wednesday; to which day the House adjourned.

HOUSE OF LORDS.

Wednesday, June 1.

New Peers.] This day lords Combermere, Hill, and Beresford, took the oaths and their seats.

HOUSE OF COMMONS.

Wednesday, June 1.

Irish Spirits.] Sir G. Clerke presented a petition from certain distillers in Scotland, praying for the continuance of the suspension of the intercourse of spirits between Great Britain and Ireland.

The Petition having been read,

Sir *G. Clerke* moved, that it be referred to the committee appointed to consider the subject of the intercourse of spirits between the two kingdoms.

Sir *J. Newport* said, that the prayer of the petition was, to establish a permanent infringement of the Act of Union, by which the importation of Irish spirits into England was stipulated for. It would be a more manly course, if the people of any part of Great Britain were dissatisfied with the Act of Union, to instruct their representatives to move for its repeal altogether, than to petition for the evasion of those parts only which were beneficial to Ireland. The petition wished for an establishment in Ireland of the regulations on distilleries in Great Britain. On what ground was such an application justified? Might not the manufacturers of any article in Ireland be as much justified in coming forward to demand an assimilation to their own practice, of the same branch of trade which was carried on more beneficially in England. It was true, that under the Act of Union the Irish spirits could come into the English markets at a price inferior to the spirits manufactured in Great Britain; but it was an advantage guaranteed to them by the Act of Union; all suspensions of which he always had opposed, and ever should oppose.

Mr. *W. Dundas* supported the prayer of the petition.

Mr. *W. Fitzgerald* agreed with the right hon. baronet (sir J. Newport); and observed, that the measure of 1809, which the petition supported by its prayer, had been acknowledged to be a violation of the Act of Union. The only reason why the non-intercourse had been continued, was, that by a full inquiry into the subject all future difficulties might be obviated, and not from the conviction that it was beneficial as a permanent measure. The petition could not be supported on the strength of the Act of Union, when its first prayer was for a continuance of the violation of that contract.

Mr. *Western* supported the prayer of the petition; and said, that the question was, whether Irish spirits should come into this country at half the duty paid by those manufactured in this island?

Mr. *R. Shaw*, of Dublin, opposed the prayer of the petition.

Sir *G. Clerke* said, that in 1786 a measure had been adopted, with respect to the intercourse of spirits between England and Scotland, precisely similar to that, for the adoption of which, with respect to Great Britain and Ireland, the petition he had presented prayed. By that measure, the spirits of one country were not allowed to be imported into the other, unless they were manufactured in distilleries subject to particular regulations. This measure had not been thought hostile to the Act of Union with Scotland, which, as to freedom of trade, was the same as that with Ireland. The object of the petition was, to obtain a continuance of the suspension, with a view to a full enquiry into the subject.

Mr. *W. Smith* thought the matter of too much importance to be cursorily passed over; and he must protest against the doctrine he had heard, that there was the slightest desire to interfere with the principles of the Union: such a false representation should not be suffered to go abroad; at the same time, he, for one, would be unwilling that the manufacturers of this country should be ruined, and transferred to the other side of the water.

Mr. *Shaw* hoped gentlemen would not allow their minds to be misled by the idea that the Irish manufacturers were enabled to export their spirits at half the usual duty. But when the Irish spirits were imported, the English distiller was by no means ruined. He considered the question to be one in which the empire at large was interested; and he had no doubt it would be so fairly considered, that each part of the empire might derive proper advantage from the measures that would be introduced.

The question for the petition to lie on the table was carried.

General *Gascoyne* presented a counter-petition from the distillers of Liverpool; observing, that as the subject had just been exhausted, he should offer no remarks on it.—This was also ordered to lie on the table.

IMPRESSMENT OF SEAMEN.] Mr. *W. Dundas*, seeing a noble lord in his place who had asked some questions on a former evening respecting impressments, would take the opportunity of saying, with regard to the first question, that no distinction was made in the orders of the Admiralty as to the impress at different ports. As to the mates of ships, they were protected, by the order of the Admiralty, as long as they were doing their duty aboard their own ships, and they might also procure tickets of leave from the officer of the port to go on shore. On another question which he had put to him, parliament alone could determine. He denied that he had been actuated by any spirit of disrespect to the House, or its members; but he had been warmly assailed, and had warmly replied. As to the impress on the Thames, it was true that it continued still; and it was necessary so long as hostilities continued with America; but it was so reduced, that whereas it formerly used to produce from 70 to 100 men per month, in the last month only five men were pressed, three of whom the officer had been desired to impress as riotous persons. In the same month 51 persons had entered as volunteers.

Mr. *Whitbread* thought it necessary immediately to notice some words which had fallen from the right hon. gentleman (Mr. Dundas). That right hon. gentleman had said, that three men had been impressed as riotous persons, at the desire of some other persons. Thus was this power of impress, illegal and oppressive as it was in itself, perverted from its legitimate object —thus were persons delivered, for purposes unknown, to the arbitrary power of the Admiralty. He thought it would be necessary that the names of these three persons should be laid before the House; and that the House should be acquainted with those who had desired the impressment of these persons, as well as with the reasons which induced the Admiralty to comply with their request.

Mr. *Croker* said, that the Admiralty was innocent of any designation of particular persons for the purpose of their being pressed. The execution of the impress-warrants rested with the officers of the ports only. When the impress was slack, the officers did not visit the different ships with particular diligence; and then, if sailors were idle or riotous, the master might inform the impress officers that they would do him no harm by taking such or such persons. It was a favour to a master of a merchant-ship, when the impress officers were obliged to take some men from his vessel, to allow him to choose those whom he would wish to remain.

Mr. *Whitbread* said, the words, as they had fallen from a lord of the Admiralty, were open to the remarks which he had made; and he still thought it would be proper to move for the production of the names of the three persons mentioned.

Mr. *Barham* made some observations on the conduct of the right hon. gentleman (Mr. Dundas) on a former night. The practice of putting questions had been for a long period common in that House; and answers had always been given, unless it could be stated that the answer would be dangerous to the state. Without this most convenient practice, the time of the House would have been occupied with many unnecessary and almost endless debates.

Lord *Milton* thought the answer of the right hon. gentleman (Mr. Dundas) was not satisfactory as to the impressment of mates of vessels; as, by law, those persons were protected, whether on board their vessels, or on shore.

THE PRINCESS OF WALES.] Mr. *Methuen* rose, in consequence of a correspondence which had been laid before the public, to ask a right hon. gentleman (Mr. Bathurst) whom he saw in his place, which of his Majesty's ministers it was, who had advised his royal highness the Prince Regent to take those measures which had been taken to prevent the Princess of Wales from appearing at her Majesty's drawing room?

Mr. *Bathurst* said, he was aware of the convenience of the practice which had been adopted of asking and answering questions in that House, by which means the necessity of making motions was frequently obviated; but as to the question which the hon. gentleman had put, he could only say, that it did not appear to him that the circumstances and character of the transaction warranted him in giving it any answer.

Mr. *Methuen* then gave notice, that he should, on Friday next, bring forward a motion on the subject. The purport of his motion would be—That an humble Address be presented to the Prince Regent, to enquire who was the person that advised his Royal Highness to adopt the measures which had been taken to prevent her royal highness the Princess of Wales from appearing at her Majesty's drawing-room.

Mr. *Ponsonby* rose to say a few words on a subject connected with that respecting which notice of a motion had been given. He was a friend, as much as any man, to the liberty of the press, and was not at all inclined, for personal or private considerations, to interfere with this liberty; but he should read, for the purpose of contradicting it, a statement which had recently been published. In a paper called the Morning Herald, of Friday, May the 27th, the following paragraph had appeared:—

"Several *Opposition* Councils have been assembled on the *well-fomented* variance between her M—— and the Princess of W—, respecting the well-advised non-appearance of the latter at the next *Drawing-room* at Buckingham House. The last of these councils was holden yesterday afternoon; when Mr. BR——M, as her Royal Highness's Advocate-General, laid before it copies of the Correspondence which had recently passed between the Illustrious Parties on this unfortunate subject. A debate immediately took place on the expediency of giving immediate publicity thereto. The majority contended, that it was too great a PARTY CARD to be shuffled away at so critical a moment *unplayed*. It was opposed, however, by the more temperate few, as an improper appeal to the public opinion on a domestic misunderstanding of such extreme personal delicacy. This rational argument, however, was soon over-ruled by an appeal to numbers; for, on a division taking place, we understand they stood thus:—

For publishing.	*Against publishing.*
Earl of G—y,	Earl Fitz——m,
Earl of L——le,	Lord Gr—lle,
Lord H—l—d,	Lord M—lt—on,
Mr. Whitb—d,	Mr. P—ns—by.
Mr. T—rn—y,	

"Mr. Br——m, not being in parliament, did not divide, contenting himself with being *Teller*. A Resolution was then moved, "That her M——'s letter should, at all events, be published forthwith," which passed without a division. It remains, therefore, to be seen, whether even the Advocate-General will presume to outrage the public feeling by carrying so extraordinary a Resolution into effect."

The names (Mr. P. said) which were here introduced with dashes, it was impossible that any person could mistake. By Br——m, who was styled her Royal Highness's Advocate-General, was clearly meant Mr. Brougham. His (Mr. Ponsonby's) name was the last upon the list. Of this paragraph he must say, that a more impudent falsehood, a more unfounded lie, was never attempted to be palmed upon a British public. No such meeting was ever held—no such meeting was ever in contemplation. No council was ever held, or proposed, upon the subject, by him, or by those with whom he was in the habit of acting in that House; nor was there any man more ignorant than he was of the whole proceedings that took place upon the subject to which the paragraph referred. He would not say more now upon the matter; notice of a motion had been given; and when that motion was brought forward, he would state what his sentiments were; but though a friend to the just liberty of the press, he could not avoid complaining of this licentious abuse of it.

Mr. *Whitbread* said, he could vouch, as his right hon. friend had done, that the publication which had been read was altogether false. He was exceedingly surprised that the right hon. gentleman (Mr. Bathurst), the only minister of the rank of cabinet counsellor in the House, should, though he had spoken, be virtually silent on the subject respecting which a question had been put. He (Mr. W.) could only infer from that silence a disavowal of the transaction; or that, the act being done, he or his colleagues were ashamed of the advice they had given. If the House did what it was its duty to do, it would extort that answer which had then been refused. As it was a matter of such urgent importance, he thought to-morrow should be preferred as the day for the discussion of the question; not only because it was the nearest day, but because it was that on which the insult was intended to be practised, not only on her royal highness the Princess of Wales, but on the King in his infirmity. He hoped, therefore, the hon. gentleman would bring forward his motion to-morrow.

Mr. *Methuen* said, that he had fixed his motion for Friday on account of the Drawing-room to-morrow.

Mr. *Whitbread*—That is the very reason why it should then be brought forward.

Army Extraordinaries.] Upon the Report of the Committee of Supply, with regard to the Army Extraordinaries, having been brought up,

Mr. *Fremantle* rose, and expressed his surprize that nothing had yet been intimated to the House, or the country, respecting any proposed reduction of our war-expenditure in the army, or in any other department. It was hard, he thought, that, after the country had borne so many burthens which that House had concurred in imposing, no prospect was held out to the House or the country of the diminution of those burthens, notwithstanding the various opportunities which had for some time back occurred of presenting such a prospect. Two months had elapsed since Buonaparté was deposed; yet no reduction of our military expence had yet taken place, nor had any declaration been made by ministers, to cheer the people by the hope of that which they were naturally induced to calculate would be the immediate consequence of that deposition. Thus the people, after all those sufferings which they had borne with unexampled patience, were denied that consolation or prospect of relief which they had a right to expect. The hon. member particularly complained that no step whatever was taken to reduce the militia, which amounted to nearly 100,000 men, of which about 2,500 were serving abroad. This militia was confessedly embodied with a view to repress internal insurrection, and to guard against foreign attack. Of the latter it could not be pretended that any fear existed since the destruction of the dynasty of Buonaparté; and he would put it to any gentleman whether the least ground of apprehension appeared with respect to the former? From the moment then of Buonaparté's dethronement, the country should have been relieved from the expence created by the militia, which expence amounted to between 3 and 4 millions a year. Every hour, indeed, which this part of our force continued embodied, the country was subjected to unnecessary expence. There was also another part of our force, to which every principle of economy and national policy should direct the attention of ministers. There were between 30 and 40,000 foreign troops in our pay, and that portion of them which were now in England ought to be promptly reduced. In the naval department, too, some steps should have been taken with a view to reduction; for surely it could not be necessary to maintain the same amount of force in commission at present, as for some time back. At least ministers should, for the satisfaction of the country, have declared an intention to reduce the public expenditure in this and the other departments to which he had referred; or have stated their reasons for continuing such expenditure, in what might be fairly deemed a period of peace, as the country was called upon to defray during war. Some communication was certainly due to parliament and the public upon the subject. There was another head of expence to which he also thought it necessary to advert. He was informed—indeed he had the information from some emigrants—that ministers had announced their intention of continuing to all the emigrants their usual allowance for 12 months longer, instead of leaving them to depend upon their own industry, or upon the resources of their respective countries. The hon. member recapitulated the several points to which he had adverted; and observed, that ministers had betrayed a want of alacrity, and a remissness to execute their duty, and satisfy the feelings of the country. Recurring to the militia, he stated that the colonels of that corps were not yet apprised of any steps to disembody them; nay, it was alleged that it was not intended to disembody the militia for some months. He hoped this allegation was incorrect; and he should be gratified if what he had stated served to force some satisfactory explanation from ministers. The necessity which called for such an explanation could not be disputed, especially when the amount of our war-expenditure was taken into consideration. He did not mean, in so thin a House, to enter into detail as to this expenditure; but the aggregate for the last year was known to exceed 140,000,000*l.*—of that expence he was by no means disposed to complain, as it had led to such important results. But then its amount, combined with the circumstances of the country, must suggest to every considerate man the necessity of looking to every practicable means of its diminution, and reducing our future expences. The expenditure occasioned by our army on the continent was not less than between 12 and 13 millions a year; and surely, without pressing for the immediate return of that army, ministers were called upon to state their intentions, in order that the country might know when and how far it might calculate upon enjoying the consequences of peace. Ministers should, indeed, have availed themselves of the different opportunities which had occurred, both in the Committee of Supply, and on other occasions, to communicate these intentions for the public satisfaction; but even now he should be glad to have an explanation from them upon this important subject.

Mr. *Lushington* observed, that the remarks of the hon. gentleman would be rather more applicable on the discussion of the army estimates than on the motion before the House, which referred only to the army extraordinaries. On the part of ministers, he could venture to say, that from the moment of the cessation of hostilities their attention was most diligently directed to the consideration of every practicable means of reducing the expences incident to war. But, as the question of our military expenditure would come more fully and properly before the House on Friday, in discussing the army estimates, he should not enter further into the subject at present.

Mr. *H. Addington* said, that he was not prepared for any discussion this evening on the subject of our military expenditure; but the hon. member on the other side, whose observations he conceived rather premature, as his hon. friend had remarked, having adverted to the conduct of the department, with which he (Mr. A.) was officially connected, he thought it proper shortly to explain. With regard to the militia, the fact was, that the letters ordering that corps to be disembodied were actually in readiness to be issued as soon as the preliminaries of peace were signed; and that, according to uniform practice, was the proper period for issuing such orders. It was also to be considered, that the reduction of the militia could not be the work of a day, especially as there were several of the English militia regiments in Ireland. But that ministers were active in endeavouring to reduce the expences of war, the country would, he had no doubt, be fully satisfied. To his knowledge, indeed, many measures with a view to that reduction had been taken as early as possible. Among others, orders were issued to prevent the local militia from being called out as usual to be trained; and similar orders, with a view to œconomy, had been circulated with respect to the yeomanry.

Sir *J. Yorke* observed, that although one great enemy of this country, Buonaparté, had been deposed, there was another gentleman whose deposition was also necessary to our interest; he meant Mr. President Madison; and with a view to that deposition, a considerable naval force must be kept up, especially in the Atlantic. But as to his hon. friend's opinion respecting the reduction of the navy, he wished it to be considered that a number of shipping were employed in conveying French prisoners to France, and bringing home our own countrymen. So much for the occupation of our navy on the home station. But from the Mediterranean, for instance, several three-deckers were ordered home; and he could "swear," [a laugh] that no practicable exertion would be remitted to reduce the expence of our naval department.

Mr. *Fremantle* was not altogether satisfied with the explanation given. That force which had been, in a great measure, created to resist the measures of Buonaparté, ought to be done away when his system was at an end. Did the hon. gentleman, when he stated part of the militia to be abroad, mean to say, that because that part which was out of the country could not be immediately disbanded, no reduction whatever ought to take place for the present, nor till the whole were brought home? He contended, a reduction ought to be made from day to day, from hour to hour, and he would almost say, man by man, as far as was practicable. He was of opinion, that we had already a sufficient number of ships off America; and those fleets which had been in the Downs, and which had been applicable to the Basque Roads, the Scheldt, and various parts of the Mediterranean, might immediately be paid off, or much reduced. Though not satisfied with the explanation of the right hon. gentleman, he was glad that he had gained for the country a declaration that a great reduction would be made when the preliminaries of peace shall have been signed.

Mr. *Bathurst* did not complain of the hon. gentleman for making a second speech; but he thought he had a right to complain when he took credit to himself for having gained a declaration of vast importance to the country, because it had been said, a great reduction would be made both in the army and navy when the preliminaries of peace were signed. Could any man in the country be so ignorant as not to know this would be necessarily the consequence of that peace which by this time, he hoped, was nearly concluded? It had been customary to take sums on account for the military service of the year; but now the time was nearly come, at which it would be for ministers to state what the expence of our establishment should be in future. In the present situation of things, though he was far from imputing any feeling hostile to a general pacification, to any of the powers with whom we had to treat, he could see nothing to induce government to depart from the ordinary practice of making no material reductions in our army or navy till preliminaries of peace were signed. Though proofs of the most amicable disposition were given by the parties opposed to us in the negociations, still they had great interests to attend to; and questions might arise, on which the representative of this country would not be able to speak with sufficient weight, if a reduction of our army or navy preceded the discussion. Till the preliminaries were arranged, it was impossible for ministers to say what establishment would be necessary for the time to come.

Mr. *Lushington* took occasion to say, an arrangement would be made with respect to emigrants as soon as possible; but it would be a hard and an unfeeling thing to deprive them of their present income before they could be attended to by their own government.

The report was then agreed to.

HOUSE OF COMMONS.

Friday, June 3.

Corn Laws.] Mr. *Whitbread* rose, for the purpose of presenting a Petition from the town and county of Bedford against the proposed alteration in the Corn Laws. The hon. gentleman observed, he should not have said a word in presenting this Petition, had he given any opinion on the subject heretofore. He did consider now, however, from the inflamed state of the public mind, and from the alarm which had arisen, whether groundless or not, that the House ought to pause before they adopted the Bill under consideration. He had no doubt, that gentlemen, who had delivered their sentiments, either in favour or against this measure, were actuated by the same motive, namely, a desire to promote the public good. It was singular, however, to observe the feelings with which the conduct of the different members who had spoken on the subject were regarded. A right hon. gentleman not then in the House (Mr. G. Rose) was, for the first time in his life, placarded in various parts of the town, as the friend of the people; while others were assailed with anonymous letters, attributing to them the most dishonourable intentions; and he was himself told, he ought to be hanged for holding his tongue. For his own part he begged to state, that he was friendly to the measure, both as a grower and a consumer, from a conviction, that the interest of the one was inseparable from the interest of the other. From the expression of public opinion which had been witnessed within the last few days, however, he considered it highly expedient, that the measure should be deferred to another year, by which time the alarm that had been excited might be completely dissipated.

Mr. *Stephen* congratulated himself on the rare opportunity which was afforded him of agreeing in the observations delivered by the hon. gentleman. He did think, under existing circumstances, and from the great alarm which at present prevailed in the public mind, that it would be highly improper to precipitate the Bill before the House for prohibiting the importation of corn. The hon. gentleman had said, that some persons had told him he ought to be hanged for holding his tongue. He was satisfied that there was nothing in the hon. gentleman's conduct which called for such a punishment; but, above all offences, that of holding his tongue was the last of which he could be accused.

The petition was then brought up, and ordered to lie on the table.

Princess of Wales.] The *Speaker* said, he had to acquaint the House, that since the House had met, he had received a letter from her royal highness the Princess of Wales, with three inclosures, which he was desired by her Royal Highness to communicate to the House. With the pleasure of the House, he would read the letter. (A cry of Read, read!)—He then read the letter, as follows:—

"Connaught House, June 3, 1814.

"The Princess of Wales desires Mr. Speaker will inform the House of Commons, that his royal highness the Prince Regent has been advised to take such steps as have prevented her from appearing at court, and to declare his Royal Highness's "fixed and unalterable determination never to meet the Princess of Wales upon any occasion, either in public or private."

"The proceedings of 1806 and 1807, and last year, are in the recollection of the House, as well as the ample and unqualified vindication of the Princess's conduct, to which those proceedings led.

"It is impossible for the Princess of Wales to conceal from herself the intention of the advice which has now been given to the Prince Regent, and the probability that there are ultimate objects in view, pregnant with danger to the security of the succession, and the domestic peace of the realm.

"Under these circumstances, even if the Princess's duty towards herself could suffer her to remain silent, her sense of what is due to her daughter, and to the highest interests of the country, compels her to make this communication to the House of Commons.

"The Princess of Wales incloses copies of the correspondence which has passed, and which she requests Mr. Speaker will communicate to the House."

"The right hon. the Speaker of the
House of Commons, &c."

When Mr. Speaker had concluded the letter, he demanded of the House, whether he should hand the documents which were enclosed in it to the Clerk of the Papers?—This interrogatory was followed by loud cries of "Read! Read!"

The Clerk then read the inclosures delivered in by Mr. Speaker, and which are as follow :—

The Letter of the Princess of Wales to the Prince Regent.

"Sir;—I am once more reluctantly compelled to address your Royal Highness, and to inclose for your inspection, Copies of a Note which I have had the honour to receive from the Queen, and of the Answer which I have thought it my duty to return to her Majesty. It would be in vain for me to enquire into the reasons of the alarming declaration made by your Royal Highness, that you have taken the fixed and unalterable determination never to meet me, upon any occasion, either in public or private. Of these, your Royal Highness is pleased to state yourself to be the only judge. You will perceive by my answer to her Majesty, that I have only been restrained by motives of personal consideration towards her Majesty, from exercising my right of appearing before her Majesty, at the public drawing rooms, to be held in the ensuing month.

"But, Sir, lest it should be by possibility supposed, that the words of your Royal Highness can convey any insinuation from which I shrink, I am bound to demand of your Royal Highness—what circumstances can justify the proceeding you have thus thought fit to adopt?

"I owe it to myself, to my daughter, and to the nation, to which I am deeply indebted for the vindication of my honour, to remind your Royal Highness of what you know; that after open persecution and mysterious inquiries, upon undefined charges, the malice of my enemies fell entirely upon themselves; that I was restored by the King, with the advice of his ministers, to the full enjoyment of my rank in his court, upon my complete acquittal. Since his Majesty's lamented illness, I have demanded, in the face of parliament and the country, to be proved guilty, or to be treated as innocent. I have been declared what I am, innocent—I will not submit to be treated as guilty.

"Sir, your Royal Highness may possibly refuse to read this letter. But the world must know that I have written it; and they will see my real motives for foregoing, in this instance, the rights of my rank. Occasions, however, may arise (one, I trust, is far distant) when I must appear in public, and your Royal Highness must be present also. Can your Royal Highness have contemplated the full extent of your declaration? Has your Royal Highness forgotten the approaching marriage of our daughter, and the possibility of our coronation?

"I wave my rights in a case where I am not absolutely bound to assert them, in order to relieve the Queen, as far as I can, from the painful situation in which she is placed by your Royal Highness; not from any consciousness of blame, not from any doubt of the existence of those rights, or of my own worthiness to enjoy them.

"Sir, the time you have selected for this proceeding is calculated to make it peculiarly galling. Many illustrious strangers are already arrived in England; amongst others, as I am informed, the illustrious heir of the House of Orange, who has announced himself to me as my future son-in-law. From their society I am unjustly excluded. Others are expected, of rank equal to your own, to rejoice with your Royal Highness in the peace of Europe. My daughter will, for the first time, appear in the splendour and publicity becoming the approaching nuptials of the presumptive heiress of this empire. This season your Royal Highness has chosen for treating me with fresh and unprovoked indignity: and of all his Majesty's subjects, I alone am prevented by your Royal Highness from appearing in my place, to partake of the general joy, and am deprived of the indulgence in those feelings of pride and affection permitted to every mother but me. I am, Sir, your Royal Highness's faithful wife, C. *P.*"

"Connaught House, May 26, 1814."

The Letter of the Queen to the Princess of Wales.

"Windsor Castle, May 23rd, 1814.

"The Queen considers it to be her duty to lose no time in acquainting the Princess of Wales, that she has received a communication from her son the Prince Regent; in which he states, that, her Majesty's intention of holding two drawing-rooms in the ensuing month having been notified to the public, he must declare, that he considers that his own presence at her court cannot be dispensed with; and that he desires it may be distinctly understood, for reasons of which he alone can be the judge, to be his fixed and unalterable determination not to meet the Princess of Wales upon any occasion, either in public or private.

"The Queen is thus placed under the

painful necessity of intimating to the Princess of Wales the impossibility of her Majesty's receiving her Royal Highness at her drawing-rooms. CHARLOTTE, *R.*"

The Letter of the Princess of Wales to the Queen.

"Madam;—I have received the letter which your Majesty has done me the honour to address to me, prohibiting my appearance at the public drawing-rooms which will be held by your Majesty in the ensuing month, with great surprise and regret.

"I will not presume to discuss with your Majesty topics which must be as painful to your Majesty as to myself.

"Your Majesty is well acquainted with the affectionate regard with which the King was so kind as to honour me, up to the period of his Majesty's indisposition, which no one of his Majesty's subjects has so much cause to lament as myself: and that his Majesty was graciously pleased to bestow upon me the most unequivocal and gratifying proof of his attachment and approbation, by his public reception of me at his court, at a season of severe and unmerited affliction, when his protection was most necessary to me. There I have since uninterruptedly paid my respects to your Majesty. I am now without appeal or protector. But I cannot so far forget my duty to the King and to myself, as to surrender my right to appear at any public drawing-room to be held by your Majesty.

"That I may not, however, add to the difficulty and uneasiness of your Majesty's situation, I yield in the present instance to the will of his royal highness the Prince Regent, announced to me by your Majesty, and shall not present myself at the drawing-rooms of the next month.

"It would be presumptuous in me to attempt to inquire of your Majesty the reasons of his royal highness the Prince Regent for this harsh proceeding, of which his Royal Highness can alone be the judge. I am unconscious of offence; and in that reflection, I must endeavour to find consolation for all the mortifications I experience; even for this, the last, the most unexpected, and the most severe; the prohibition given to me alone, to appear before your Majesty, to offer my congratulations upon the happy termination of those calamities with which Europe has been so long afflicted, in the presence of the illustrious personages who will in all probability be assembled at your Majesty's court, with whom I am so closely connected by birth and marriage.

"I beseech your Majesty to do me an act of justice, to which, in the present circumstances, your Majesty is the only person competent, by acquainting those illustrious strangers with the motives of personal consideration towards your Majesty which alone induces me to abstain from the exercise of my right to appear before your Majesty: and that I do now, as I have done at all times, defy the malice of my enemies to fix upon me the shadow of any one imputation which could render me unworthy of their society or regard.

"Your Majesty will, I am sure, not be displeased that I should relieve myself from the suspicion of disrespect towards your Majesty, by making public the cause of my absence from court at a time when the duties of my station would otherwise peculiarly demand my attendance. I have the honour to be, your Majesty's most obedient daughter-in-law and servant,

"C. *P.*"

"Connaught House, May 24, 1814."

The Queen to the Princess of Wales.

"Windsor Castle, May 25, 1814.

"The Queen has received, this afternoon, the Princess of Wales's letter of yesterday, in reply to the communication which she was desired by the Prince Regent to make to her; and she is sensible of the disposition expressed by her Royal Highness not to discuss with her, topics which must be painful to both. The Queen considers it incumbent upon her to send a copy of the Princess of Wales's letter to the Prince Regent; and her Majesty could have felt no hesitation in communicating to the illustrious strangers who may possibly be present at her court, the circumstances which will prevent the Princess of Wales from appearing there, if her Royal Highness had not rendered a compliance with her wish to this effect unnecessary, by intimating her intention of making public the cause of her absence.

"CHARLOTTE, *R.*"

The Princess of Wales to the Queen.

"The Princess of Wales has the honour to acknowledge the receipt of a note from the Queen, dated yesterday; and begs permission to return her best thanks to her Majesty, for her gracious condescension, in the willingness expressed by her Majesty, to have communicated to the illustrious strangers, who will, in all probability, be present at her Majesty's court, the reasons which have induced her Royal Highness not to be present. Such communication, as it appears to her Royal Highness, cannot be the less necessary on account of any publicity which it may be in the power of her Royal Highness to give to her motives; and the Princess of Wales therefore entreats the active good offices of her Majesty, upon an occasion wherein the Princess of Wales feels it so essential to her that she should not be misunderstood.

"C. *P.*"

"Connaught Place, May 26th, 1814.

The Queen to the Princess of Wales.

"Windsor Castle, May 27, 1814.

"The Queen cannot omit to acknowledge the receipt of the Princess of Wales's note of yesterday, although it does not appear to her Majesty to require any other reply than that already conveyed to her Royal Highness's preceding letter.

"CHARLOTTE, *R.*"

The Correspondence having been thus gone through; Mr. Methuen and Mr. Bathurst rose at the same moment. The House was for a considerable time shaken by alternate shouts of "Bathurst," and "Methuen" interrupted with cries of "Chair! chair!"

Mr. *Bathurst* at length obtained a hearing. He stated, that he rose merely for the purpose of moving, *pro forma*, as a matter of convenience, certain orders of the day.

Mr. *Whitbread* said, that an hon. gentleman having given notice of a motion, and that motion having been pointed to by the course of proceeding adopted by the Speaker, he was undoubtedly in possession of the chair; and, therefore, he (Mr. Whitbread) felt it his duty to call the right hon. gentleman to order when he rose to address the House.

The *Speaker* said, that the hon. gentleman (Mr. Methuen) was certainly in possession of the House—but, when the right hon. gentleman (Mr. Bathurst) rose, he supposed it was his intention to speak to order, which had precedence of every other question. It had, however, turned out, that he was only going to arrange some matters of convenience. It rested entirely with the House, whether they would permit him to proceed.

Loud cries of "Methuen" followed this exposition.

Mr. *Bathurst*, across the table, said, he did not mean, as it appeared contrary to the sense of the House, to state the arrangement of business which he was about to propose.

Mr. *Methuen* then proceeded to introduce his motion; but scarcely had he uttered the words—"I rise," when

The hon. Mr. Lygon moved the Standing Order that strangers should withdraw.

This motion admits of no discussion. Strangers were of course obliged to withdraw; but the following is a pretty accurate sketch of what took place:

Mr. *Methuen.* I rise, in consequence of a notice given on a former night, to call the attention of the House to the letters we have just heard from the chair; a subject, the importance of which must be generally acknowledged, however liable I may be to the imputation of presumption in bringing it forward, unequal as I feel myself to so delicate and arduous a task. Without detaining the House by any unnecessary preamble, trusting to the case itself to make amends for the want of abilities under which I am conscious of labouring, and hoping that, without any long protestations of my motives, credit may be given me for the purity of them; desirous and endeavouring not to say any thing offensive to any one person whatever; at the same time feeling it my undoubted right, as a member of this House, to state any fact, or give any opinion, necessary to do justice to my subject; I shall proceed to read in the first place, such parts of her Royal Highness's letter as are most important; and in the second, to make my own comments upon them. [Here the letter was read, and next an extract from the Minutes of Council.]

Upon this, Sir, the King declared his conviction of her Royal Highness's innocence; and to this point in particular I wish to call the attention of the House; for after such an opinion given from such a quarter, out of common respect for his Majesty, she had a right to expect a very different treatment, and indeed a cordial reception at court. Her royal father, the duke of Brunswick, falling, as it must be remembered and lamented that he did fall, at the battle of Jena, a short time before his death of glory wrote a letter to his daughter, assuring her of his thorough conviction of her innocence; and another to his Majesty, recommending her to his protection, and begging him to be the defender of her injured honour. And, Sir, if this illustrious hero has still in death the power to know the destinies of a child he so dearly loved in life, must his indignant spirit witness her the victim of sorrow, degraded, insulted, neglected, and deserted, without the splendour, without the respect, without even the degree of attention due to her rank and situation; without one tender solace of domestic happiness as a wife, or as a mother, to cheer the dull gloom of her retirement? without the possibility of vindicating her character, which has been so wantonly and mysteriously attacked?

What, Sir, shall the boasted liberty of this country be henceforth considered but as an empty name! Shall that soil, which has been hitherto said to confer, instantaneously, freedom on the most abject slave who had the good fortune to tread it—must this sacred soil lose its long-acknowledged charm, and sink to the lowest level in the scale of nations! Shall this House, distinguished as it has been in the cause of humanity, in the cause of the poor African, deny the smallest portion of the same Christianlike balm, to heal the wounds of a Princess! Or is it for the slave alone that the manly heart can feel, or the eloquent tongue can plead? I should like to ask the House, if the very circumstances of the Princess Charlotte being at all permitted to see her mother, is not a strong proof of her innocence; as her visits ought to be altogether prohibited, if her mother were an unfit person for her society? I should be glad to know if the Hereditary Prince of Orange does not consider her as innocent, when he writes to her, as a proper compliment to his future mother-in-law, to inform her of his approaching nuptials with her daughter. She has received also letters of congratulation from the Prince and Princess Dowager of Orange. I should not be at all astonished to hear the publication of these letters objected to. But, Sir, I cannot see any other course she had left to take. She had already written to you, Sir, who so ably and so honourably fill that chair which I am now addressing. She next wrote to the Chancellor, and afterwards to the Regent himself. I need not inform the House with what effect. She had therefore no resource, but an appeal to the hearts and understandings of her future subjects. But, Sir, if a precedent were wanting to vindicate her conduct on this occasion, it would be easy to find one, and that of the highest authority. It must be fresh in the memory of the House, that in the year 1804, his royal highness the Prince of Wales, with a spirit well-worthy the heir-apparent of the British throne, desirous of being foremost in command in case of invasion, then threatened by that restless and merciless scourge of mankind whose sun of glory is now set, and whose dreams of mad ambition are now happily at an end, applied to his Majesty for a command. His Majesty refused the request; the Prince felt his character concerned, and appealed to the tribunal of the public, publishing his letters to his Majesty and the duke of York. The Annual Register of that year will assist any gentleman's memory which may be defective on this subject. Among many strange and undefined charges, for want of proving criminality, I have heard the charge of bad taste most commonly urged against her. But, Sir, though I consider bad taste as by no means a desirable ingredient in the composition of a princess, yet when we reflect upon the various perils with which her paths through life have been beset, when we reflect upon her education abroad, and her situation at home, ought no allowances to be made for a princess who has not had the happiness to have the taste, or at once to understand the feelings or manners of this country? But, Sir, I agree with her Royal Highness, that the time chosen to proscribe her is peculiarly galling; and I feel the full force of that part of her letter which applies to the approach of her daughter's nuptials and the event of her own coronation. And I should like to ask the right hon. gentleman if she is to be excluded from either of these ceremonies? I hope when the necessary supplies for the marriage are granted by parliament, they will be granted conditionally, that the marriage shall be a public one, and that the Princess of Wales shall appear at it with the consequence and splendour due to her situation.

I could have wished, Sir, that at a time when the peace of Europe is settling, that of England might have been confirmed; and that no unhallowed difference might have intruded itself on the presence of imperial and royal visitors, to quench the flame of enthusiasm, and check the full tide of gratitude flowing towards those to whom, under Providence, we are so signally indebted. Under all circumstances, her Royal Highness, to use her own words, is entitled to be proved guilty, or treated as innocent. She has a right to claim this, which is the common birth-right of the English; she has a right to claim it as a subject, as a fellow-creature, as the wife of the Prince Regent, and as the mother of our future Queen.—I shall now beg leave to thank the House for its indulgence, hoping the right hon. gentleman, though he refused to answer my question on a former occasion, will make some attempt to justify the case of which I complain; and I call upon him, or any other gentleman, in or out of this House, if they know any thing against her Royal Highness, to come forward and declare it. She is willing, if proved guilty, to be considered so; but if not, she has a right to be treated as innocent. I now beg leave to move,

"That an humble Address be presented to his royal highness the Prince Regent, to pray his Royal Highness that he will be graciously pleased to acquaint this House, by whose advice his Royal Highness was induced to form the "fixed and unalterable determination never to meet her royal highness the Princess of Wales upon any occasion, either in private or public," as communicated by his Royal Highness to her Majesty; together with the reasons submitted to his Royal Highness, upon which such advice was founded."

Mr. *Martin* seconded the motion.

Mr. *Bathurst* gave the hon. gentleman full credit for the purity of his motives; but denied that it was within the province of the House of Commons to interfere in this case. He observed, that the hon. gentleman had principally commented on the Letter of her royal highness the Princess of Wales, for which his Majesty's ministers were certainly not responsible. The notice, however, which he had originally given, was, that he would move an address "to know who had given the advice by which her Royal Highness had been excluded from the Queen's drawing-room." The hon. gentleman had, however, now moved for an address of a very different nature, and wanted to be informed "by whose advice his Royal Highness had been induced to form the unalterable determination of never meeting the Princess of Wales, either in public or private." This was, indeed, a question of a very different nature, and a proposition which he thought it was impossible for the House to entertain. He must observe, that there was no prohibition against the Princess of Wales attending her Majesty's drawing-room. The Prince had only signified his determination of not meeting her there; and if she had persisted in what she was pleased to term her right of attending, it would have then been a serious consideration for the Prince Regent, whether he would go himself or not. Any discussion on this subject would come with more propriety when the future establishment of the Princess Charlotte should be moved for, in case of her marriage, and that her mother was not present at that ceremony. Another hon. member had intimated his intention of discussing the subject, should that occasion take place. It was not an unusual thing for members of the royal family to be excluded from the court of the sovereign. It was a thing which had frequently happened, without any imputation against the character of those branches of the royal family who were so excluded, or without any enquiry as to the causes of the exclusion. This had happened at different times during the reigns of George the first and George the second, when dissensions between the reigning monarch and the Prince of Wales had been carried to a greater height than any dissensions which had since occurred among the members of the royal family. The object of the hon. gentleman appeared to be, to restore the Princess of Wales to the Queen's drawing-rooms; but could the House call upon his royal highness the Prince Regent to change that sentiment which had obtained such full possession of his mind, as to lead him to wish for her exclusion? With regard to future considerations, which had been alluded to, they were not now before the House. The only thing which they had under their consideration was, the restriction of the Princess from attending the Queen's drawing-rooms during the present month. He did not conceive that this restriction necessarily imputed any animosity to her Royal Highness. Those unhappy disagreements between the Prince Regent and the Princess of Wales might have originated in difference of taste, and in many causes wholly unconnected with guilt or innocence. He had omitted to state, that two royal duchesses (the duchesses of Cumberland and Gloucester) had been excluded from the drawing-rooms of the Queen, because their marriages were disapproved of; and yet parliament had never thought it proper to interfere on the occasion. With regard to the minute of council, on which so much stress had been laid, it must be recollected, that it made a distinction between criminality and other minor charges. The acquittal was, therefore, not altogether so complete as the hon. gentleman had maintained. He could not avoid expressing his opinion, that the more appeals were made to the public, and the more this unhappy subject should be agitated, the more irritation would be produced by it, and the more injury would be done to the peace of the royal family. The House were now called upon to interfere merely about the etiquette of a drawing-room. This was what he thought they ought not to be called upon to do; and therefore he should give his negative to the address proposed.

Mr. *Whitbread.*—The speech of the right hon. gentleman in defence of the advice he has given, has been like the advice itself—special, minute, wavering—assuming a right—a right to exclude, and acting as if he were conscious the party advised had no such right. Sir, I maintain that a great indignity, a harsh disgrace, a cruel and unmerited punishment, has been inflicted on an innocent person, on a subject of the crown—who was by that crown protected as long as it had moral and mental life and energy to protect hers. At one time the right hon. gentleman shrunk from the contest—he divested himself of all responsibility—he was ashamed of his own act and deed—of the advice that he had given. The sovereign and crown was left by him to trample upon any subject—to gratify its own unadvised and unconfronted vindictive resentments. Yet at the end of his speech he lets us know that the sovereign power did not act for itself. That there were advisers—that he could name them, could give them up if the House should call upon him so to do. Let them come forth! He has treated this as being only an exclusion from an assembly—from a fête; but a positive exclusion, the advisers dared not warrant—that was a proceeding too manly. It was an affront to be operated through the Queen consort of that monarch who, when the King had the use of his faculties, had commanded her to receive the Princess of Wales at her court, as the symbol of her entire innocence—of her complete acquittal. This reception continued till the King's indisposition; and then the Regent was advised to employ the Queen, his mother, to banish the Princess of Wales from court. Could this advice have been risked had the King mentally existed?—Oh, no! He should have thought that the right hon. gentleman and his colleagues would have been eager in their advice to conciliate and to calm; to proclaim the innocence they had so often declared—but the reverse is the case. The right hon. gentleman, as he knows the King cannot contradict him, has ventured to throw out an insinuation, as if the assertion made of the complete approbation, the affectionate attachment of the King, was not well grounded. The King cannot speak—and he quotes the King, to wound through his side the Princess of Wales. This is of a piece with the whole of their proceedings. I will not repeat what a noble lord, who, be it remembered, is not a party to this advice, said on a former debate on this subject—nor the testimony given by all, of the Princess's entire innocence. I maintain that the King thought her so, and the Princess is so convinced. He proved that he thought so by his kindness and cordial reception. When the King was well, no man would have dared to deny it. The right hon. gentleman durst not have done it; but if he questions the right of the Princess of Wales to appear where the King placed her; it is to be hoped that she will, notwithstanding the moderation she has evinced, accept the advice to appear at court, and then let us see who will advise that admittance be refused to her. As to stirring the question—I ask who has stirred it?—Is it the person who vindicates her own innocence from unjust and foul aspersions; who follows the example set her by the Prince Regent himself, in publishing to the world what affected her honour and character; or is it those who directed this cruel outrage, this unprovoked indignity, that has occasioned this affront? Has she complained that her near relations have been prevented from visiting her—that it has been intimated to all, that to visit her was to exclude themselves from the court?—To all the injuries she has borne, she has submitted in silence. Where does the burden rest of agitating the question?—Upon those who have planned and advised this foul indignity and injustice.

The right hon. gentleman has quoted precedent from history; but as to the cases of George 1, and 2, in both these the charges were specific. Lord Hardwicke has left an account of the latter case, and also what the advisers of the crown then did, and what was the opinion of each. He said himself, while advising conciliatory measures, all this may be brought before parliament; but now the ministers will tell nothing. Lord Hardwicke says, parliament may call for these papers; but the right hon. gentleman says, parliament shall not hear one word—you shall hear nothing from us. George the second directed the publication of all the papers that had passed between his son and himself, and circulated them among the foreign ministers, that all the world might know the grounds on which he had acted. So different from the unmanly ministers of the present day, who devise schemes to attack a woman a thousand ways, and contrive ten thousand obstacles to her defence. But the right hon. gentleman talks of this as being only an exclusion from a common assembly. Is it then nothing that her nephews—that her future son-in-law, the prince of Orange, who has so announced himself to her—her near relation, the king of Prussia—the emperor of Russia—the immortal Blucher, the companion of her father in arms—is it nothing, that they should remark the absence of the Princess of Wales, and be told it is for reasons undefined, and of which the Regent alone continues the judge? Sir, under the circumstances of her situation, such infliction is worse than loss of life—it is loss of reputation; blasting to her character, fatal to her fame. I ask, would the King have consented that the marriage of the Princess Charlotte of Wales should have taken place in private—have been smuggled in a corner? that event which is to bring a thousand blessings upon this country, to be celebrated in a corner? Shall we consent then that it should be so performed? No, the parliament will, and all the nation will, demand that this marriage shall be public, and that the Princess of Wales shall be there—in the state becoming her rank and station. Now, as to an event which sooner or later must happen—I mean the demise of the crown—is the Princess of Wales to be crowned? She must be crowned. Who doubts it? One hears it whispered abroad, a coronation is not necessary. I believe it is. Will the right hon. gentleman say it is not? He dares not say so; crowned she must be, unless there be some dark base plot at work, some black act yet to do; unless the parliament consent hereafter to be made a party to some nefarious transaction. If it is their intention to try the question of divorce, let them speak out. These proceedings materially affect the succession of the crown. Where is the limit to the inquiries after former transactions—these searches after trial and acquittal? Yet after all the search what have they found? Nothing, but an irresistible refutation of all accusation. Where are these accusations to stop? They may impeach the legitimacy of the heiress of the crown, now to be married to the prince of Orange. Now it is time for this House to interfere. Let better counsel be given to the Regent, and undo what has passed—people do this every day; it is the tribute paid by fiery passions to conviction and returning reason. Sir R. Walpole prided himself in the reconciliation he effected between George the first and the then Prince of Wales; it was a conciliating minister who did this; happy would it be if our ministers would follow his example. One would have thought, that if ever there was a period when it was an object to represent the royal family as united, this was that very period. The people maintain that family not only for state and show, but for their examples of moral and domestic virtues; what the King so uniformly shewed, and what have endeared him to his people more than any other circumstance of his reign. Let it not then be said, that the emperor of Russia finds one person whom the law does not protect, who is exposed to outrage and insult; and that person, the wife of the Prince Regent:—that for one subject of the crown there is no redress. Now, Sir, if the right hon. gentleman has not a doubt of the Princess of Wales having a right to appear at court, the use of which she has consented at present to wave, I have only to add, that if she finds not protection in this House, the last refuge of the destitute and oppressed, it is to be hoped she will be advised to assert her right, and, however reluctantly, to dare the advisers of the Regent directly to execute their intentions.

Mr. *Stuart Wortley* said, he could not vote for the motion, as he could not think it in parliamentary form; but having assigned that reason, he thought a great deal in the way of sacrifice upon this subject was due to the public mind. Like an hon. gentleman opposite (Mr. Whitbread), he never expected to have the subject brought forward again; but he could not help saying, that he thought the present proceedings against the Princess of

Wales were cruel in the extreme, and he could not acquit the parties who had adopted this new proceeding against her of cruelty. He hoped the House would hear no more of it; he lamented the revival of it as a great misfortune at this time, in particular, when such illustrious relatives and strangers were about to visit that court, from which she was so studiously excluded; and it appeared to him most strange, that while the whole world were rejoicing on the return of peace, and the subsiding of all animosities among nations of every description, this illustrious individual should be the only exception in the general joy, and the only person excluded from enjoying it. He should, however, vote with the right hon. gentleman, (Mr. Bathurst) against the address.

Mr. *Ponsonby* had listened to the hon. gentleman's resolution or address with much attention, but could not vote in its favour; because he had ever found, in the history of the councils of princes, that resolutions such as that of the Prince Regent were liable to change, and no overt act had been stated which in his opinion called for the interference of the House. He, however, deeply lamented the Letter sent to the Princess of Wales by the Queen; and had hoped that what passed in this House last year would have put an end for ever to this disgraceful and injurious subject. It was natural in the Princess of Wales to publish the correspondence, to vindicate herself in the eyes of the public, when this new indignity was cast upon her. Although he objected to the present motion as unparliamentary, there were constitutional modes of proceeding, which, if resorted to with a view of putting an end to these dissentions, should have his best support.

Mr. *Elliot* felt compelled to vote against the motion; yet anxious that his vote should not be misunderstood, or misconstrued into any approbation of the advice given to the Regent: he condemned it as most cruel to one illustrious person and most injurious to the other.

Mr. *C. W. Wynn* perfectly concurred with the two last speakers: he trusted that the resolution of the Prince Regent would not prove unalterable; but he knew nothing so likely to render it so, as the present discussions.

Mr. *Methuen* then said, that if the right hon. gentleman (Mr. Ponsonby) would give him the benefit of his parliamentary experience, he would readily withdraw his present motion.

Mr. *Tierney* said, he hoped the hon. mover did not consider his friend (Mr. Ponsonby) pledged to point out to him a mode of proceeding in future. His right hon. friend had not gone so far. He (Mr. T.) said, there were various modes of bringing forward the motion in a different shape.—They did not, indeed, occur at present; but perhaps they would occur when gentlemen had time to reflect upon the importance of the subject. One mode at present occurred to him, and no doubt there must be others. The mode which occurred to him was, for the House, whose particular department it was to control the finances of the state, to bring forward a money resolution; for, said the right hon. gentleman, parliament knew only of an income belonging to her Royal Highness of 5,000*l.* per annum. He spoke in the language of parliament. As parliament, then, knew nothing more, the House ought at least to be satisfied that her income was equal to her illustrious situation. At present, the House did not know it. They would recollect, that on her marriage with the Prince of Wales, the nation allowed 125,000*l.* for their joint establishment; but of this there was only 5,000*l.* a year at her own disposal—and at present the nation could not tell how she lived, or where she found resources. The remaining 120,000*l.* was for their joint use, for the maintenance of all the splendour of their illustrious situation in the state; but the House must judge what her situation is, when it is declared that they can no longer breathe the same air together. The House ought at least to be satisfied that her Royal Highness was properly provided for. But, continued he, the right hon. gentlemen opposite will not depart the House this evening with any great satisfaction, considering the manner in which they have opposed themselves to this subject. They will go home and tell their colleagues in office, that there is but one sentiment in this House, of the unbecoming indignity, insult, and cruelty, offered to the Princess of Wales; that there is but one sentiment both here and in the country at large; that she is under the protection of this House and the nation; that his Majesty, so long as he preserved his mental faculties, was her protector; and under him were those ministers of the crown, her sincere advocates and protectors under their royal master, and particularly a noble lord (Eldon) who owed every thing in life to his royal master, now, in fact, unhappily tenacious of affording protection to her Royal Highness any longer; but the noble lord owes the continuance of that protection to her Royal Highness in gratitude to his royal master, in consistency of his own conduct, and in justice to her Royal Highness; and the best impression which the noble lord can now receive on these grounds, would be to revise his own written opinions and advices, and his own conscience would dictate to him the course he ought to pursue. He recommended to the right hon. gentlemen opposite forthwith to consult that noble lord and his conscience; and for once to take advice, if they will not give it where and when it is their duty. He said, this subject could not rest where it was—something must be done, and that effectually. He hoped it would be done before the next day; and, if not, he should be ready to support whatever motion might be brought forward to insure that end. And with respect to the next drawing-room, he said, if they did not make the satisfactory arrangement to which he alluded, he thought her Royal Highness would do right to maintain her own dignity, and her own rank, and not be kept away.

Mr. *Methuen* rose again and said, he trusted that the recommendation of the right hon. gentleman would be attended to; and in the persuasion that something effectual would be done, he would consent to withdraw his present motion, with the understanding that he should bring the question forward again in some shape which the experience of the right hon. gentleman and his friends might suggest as more eligible than the present, if the necessity of the case should unhappily disappoint his hopes and compel the interference of parliament.

The motion was then withdrawn.

HOUSE OF LORDS.

Monday, June 6.

Corn Laws.] The duke of Rutland, the earl of Lonsdale, lord Bulkeley, lord Boringdon, and others, presented petitions from Sunderland, Derby, Plymouth, and other places, against the Corn Laws Bills. —The duke of Sussex presented two Petitions to the same effect from the wards of Cripplegate Without and Within, in the city of London. These were laid on the table; some of them signed by about 6,000 persons.

Earl *Stanhope*, some time afterwards, rose for the purpose of presenting a number of petitions against the proposed alteration of the Corn Laws. He presented them with great pleasure to their lordships' consideration, because he was convinced that the intended measure on this subject was absurd—it was far from being well considered—it was unfounded in its principle, and would be injurious in its consequences. It was calculated to raise the price of provisions, and consequently, to increase the price of labour; and then their lordships ought to calculate the injury which such a system would do to the manufacturer of the country, who would thereby be disabled from coming at a moderate rate into the market. Besides, their lordships should reflect, that if our manufactures were enhanced by the high price of provisions and of labour, steam-engines would be set to work in other countries; and even the most able workmen here, who had brought our manufactures to such a prosperous state, would be induced to go abroad, and then our manufactures would no longer come into competition with those of foreign nations. If our manufactures were thus injured, our commerce would be injured also;—and if our commerce were to be injured, we should lose the only foundation upon which rest the strength and glory of our navy. That this would be the effect of the intended system, was obvious; and that the price of labour would be high in proportion to the price of provisions, was incontrovertible.—(Hear, hear! from the earl of Lauderdale.)—Said lord Stanhope, "the noble lord near me may cry Hear, hear! but though I cannot comment upon his speech, because he has not made any, I can comment upon his book, where he has delivered his sentiments." In referring to the arguments of those who recommended this measure of raising the price of bread, one point laid down by them was, that if free importation were permitted, it would discourage the growth of corn in this country; and then if it should happen that, when we had not got a field of corn of our own, foreign countries should take the advantage of our situation, and stop the importation, we should be immediately reduced to a state of famine, and consequently be ruined. It was, however, not his intention to lose sight of certain provisions which would protect us from such a dreadful situation as to apprehend a famine from our dependence on foreign countries. — But there was a mode which would avoid the evils of both these extremities; for whatever were the taxes to be retained, let those which affect the price of provisions be taken off, and then the farmer would be able to sell his corn in defiance of the importation. He saw the noble earl in the red coat over the way (the earl of Liverpool being dressed in his uniform as lord warden of the Cinque Ports) who was now our commander in chief; and he was sorry to hear that it was his intention, and that of ministers, to continue the property-tax; though, perhaps, not the whole ten per cent. yet a very considerable portion of it. Why they should be induced to do so, he knew not, but understood the noble earl had a great liking for that tax, and could not bear to give it up altogether. At the same time, there were other taxes, such as the assessed taxes on carriages, horses, &c. which were to be taken off. Now these were the very taxes which ought to be continued. — "But, take away," said earl Stanhope, "the taxes from the poor; take away the taxes from the price of provisions, the taxes which affect the price of bread and of beer; take away that most odious of taxes, the tax on candles, the tax on soap, the tax on salt, and all those taxes which fall upon the poor and industrious bees of the community." The noble earl, in conclusion, again adverted to the prayer of these Petitions, which only desired that the proposed system might be delayed for the present session of parliament. He accordingly presented several Petitions from different parishes in London and its vicinity, which were ordered to be read.

The Earl of *Lauderdale* could not, in justice to the merits of this subject, permit the observations of the noble earl to pass without some remarks, even upon the present occasion. It was not his intention to state his sentiments at length; but he would venture to say, that when the measure to which the noble lord had alluded came under their consideration, he should be able to shew that some of the propositions he laid down this night were, instead of being incontrovertible, completely absurd. The noble earl had, in the outset of his statement, intimated, that the measure was one intended by those who proposed it to raise the price of bread, and to do injury to the poor. He (lord Lauderdale) would take upon himself to declare, there was not a man in either House of Parliament who had any such intention. The measure was intended to moderate the price, and in its effect he had no hesitation in saying it would lower the price. The noble earl had laid down a proposition which was wholly unfounded in its principle. The price of labour had nothing to do with that of provisions; when provisions had been low, the price of labour had been high. The noble earl (Lauderdale) stated, that the measure now proposed had been justified by experience in former years, and he adverted to the effect which had been derived from two systems of an opposite description; and there a provision, upon the principle of the intended alteration, was attended with a beneficial result.

Earl *Stanhope* was not inclined to differ with the noble earl who had just sat down, and had stated, that one of the observations he made was an absurd one; for he (earl S.) had never uttered it; but the noble earl (Lauderdale) having no such windmills of his (earl S.), he had created windmills of his own, for the purpose of combating them. He had never charged any set of men with the intention of increasing the price of bread, and injuring the poor; but their measure would have that effect, and they had blundered into it. The noble earl had also contended, that the price of labour had nothing to do with that of provisions. His argument was for an inverse ratio, that the lower the price of provisions the higher would be that of labour. He might go on; but that was inexplicable to his mind. As to the different systems he had alluded to, one of them was tried when there was scarcely any national debt; but that made a wide difference in respect to the present times, when the country was loaded with an enormous debt, and had to support the interest by taxes.

The Petitions were then severally ordered to lie on the table.

TREATY OF PEACE.] The earl of Liverpool, by the command of his royal highness the Prince Regent, presented to the House a copy of the Treaty entered into between his Royal Highness on the part of his Britannic Majesty, and his most Christian Majesty the King of France. He moved, "That this Treaty be taken into consideration on Thursday se'nnight, and that the Lords be summoned for that day."

Lord *Grenville* said, he could not suffer this very first opportunity to pass, without stating that it was with the utmost grief and indignation he had read that part of the Treaty in question which related to the abolition of the Slave-Trade. When he recollected the unanimous acquiescence of that House in a proposition which he had the honour to submit to their lordships upon the subject—when he recollected the universal consent of almost all nations, that it was most desirable to prevent the continuance of that most abominable and disgraceful traffic—when he considered that it had been relinquished by all the nations of Europe, upon the common principles of justice and religion, as a high crime, and as a practice which should be radically done away with—what must be his astonishment and regret, his grief and disappointment, upon reading the article that morning to which he alluded! He trusted, however, it would be a matter of speedy and serious consideration, whether there might not be even yet some mode in which parliament, or their lordships, might act in pursuance of their unanimous resolution, with a view to the attainment of its object.

The Earl of *Liverpool* felt a degree of reluctance in troubling their lordships at the present moment with any observations on any topic connected with the Treaty just laid before them; but he could not avoid assuring the noble baron, that he was quite mistaken, if he supposed that his Majesty's ministers did not feel, on this particular subject, as much anxiety and solicitude as he could, to effect the completion of the great object in question; he meant the universal abolition of the Slave Trade; for they were sensible, whatever difference of opinion might have formerly obtained with regard to a partial abolition, yet that point being once decided, they felt it essential to the principle upon which it proceeded, that the abolition should become universal. With regard to the particular article referred to, and the circumstances under which it was concluded, he meant not at present to observe; but he would request their lordships to postpone their judgments until they had an opportunity of fully hearing the sentiments of his Majesty's government upon the subject.

HOUSE OF COMMONS.

Monday, June 6.

CORN LAWS.] A great number of petitions were presented against the proposed Corn Laws, and praying that their consideration might be postponed till next session. These were received, and ordered to lie on the table.

One from Leeds, lord Milton, who presented it, stated to have twenty thousand signatures, although the meeting from which it originated took place only on Wednesday last, and although the petition was not handed about for signatures.

Mr. *Thornton* presented a petition from the owners and occupiers of land in the county of Surrey, praying that their interest might be protected, which, they were of opinion, could be done without injury to the other inhabitants of Great Britain. He presented also a petition from Godalming, and another from Kingston, against the Corn Bills; and observed, that under the conflicting opinions, he recommended that time should be taken to weigh more fully the consequences of this important measure, and to see if the conflicting interests might not be reconciled.

Mr. *Howorth,* in presenting a petition from the borough of Evesham, shortly stated, that private letters accompanying that petition had informed him, that a considerable ferment had been excited in the public mind throughout the country upon this subject; and although he was aware that parliament ought not to be deterred from the discharge of its duties by mere clamour, yet in the present instance, no positive necessity appearing to exist for the present Bill, he would submit it to the House, whether it would not be exercising a sound discretion to postpone further proceedings until the country should have time, deliberately, to examine into the true nature of the proposed measure.

On presenting a petition from Exeter, Mr. Courtenay urged the propriety of attending to the prayer of the petition by postponing the further consideration of the question to which it referred until the next session.

Mr. *M. A. Taylor,* on presenting a petition from Poole, stated, that it was signed by a number of respectable individuals who were fully competent to form an opinion upon the subject. For himself, he had no hesitation in saying, that he entirely concurred in the wish of the petitioners. Indeed, from the moment the measure referred to was brought forward, he had the strongest objections to it; being always of opinion that parliament ought not to interfere upon the subject, but leave corn, like every other article in trade, to find its own level.

Mr. *Lockhart,* upon presenting a petition from Oxford, observed, that at the meeting from which it originated, he had thought it his duty to address his constituents, with a view to impress upon their minds, that the measure to which the petition referred was not calculated to produce the consequences which the petitioners apprehended. He deprecated the sentiment which prevailed among them with regard to the motive of those by whom that measure was brought forward. He therefore told his constituents, that it was their interest, that it was the universal interest of the nation, to encourage the industry of our own countrymen, by preferring the produce of our own agriculture to that of foreigners, and thus to render ourselves independent of foreign supply. This statement he thought due to the character of that House, to that of the authors of the measure under consideration, and to his own conscientious conviction. But he was sorry to find that he totally failed in producing the impression he desired; and he felt it right to inform ministers that a considerable alarm prevailed upon the subject; and that districts, heretofore remarkable for their peaceable and orderly conduct, were in a state of great agitation in consequence of this measure. He therefore conceived that it would be advisable to postpone any further proceeding upon the measure until the public mind was in a better temper, by being more enlightened respecting it. Ministers would, he had no doubt, act with firmness; tempered, however, he trusted, with a due degree of prudence.

Mr. *Canning,* who presented a petition from Liverpool with 22,000 signatures, said, that he thought it impossible for any man who had cast his observation about for the last ten days, not to feel, that unless some urgent and pressing necessity called for its adoption, it would be the height of impolicy to urge the measures referred to by the petitioners at present. No such urgent necessity had been shewn to exist; and as he was confident, without pronouncing any opinion upon the merits of the Bill, that it was not yet understood, he recommended strongly that it should not be hurried through the House. In whatever way the question might be met, or whatever might be his ultimate opinion upon it, he was persuaded that a measure of this nature ought not to be carried, unless the general opinion of the people out of doors were in its favour. On these grounds, he would be an advocate for any proposition to postpone the further proceeding upon this measure at present; and the more so because he thought it might be dispensed with, at least until it should undergo further consideration, and until a thorough understanding of its character and object should be propagated among the people.

General *Gascoigne* supported the view of his right hon. colleague; and, adverting to a scoff applied to a similar petition lately presented from Bristol, declared his conviction, that so universal and so strong was the public objection to the measure referred to, that it would be dangerous to the peace of the country to adopt it.

Lord Levison Gower, on presenting a petition from Wolverhampton, spoke in the same strain. Mr. Coke presented a petition from the corn growers and millers of Norfolk in favour of the proposed alteration in the corn laws. Ordered to lie on the table—as was a petition of an opposite nature, presented by Mr. W. Smith, from Norwich, which petition the hon. member stated to have 12,000 signatures.

About five o'clock lord Castlereagh entered the House, for the first time since his return from France, and was greeted with loud and most animated cheering, frequently repeated from every part of the House. Business was for some moments suspended. His lordship bowed, and took his seat amid the acclamations of the members.

PETITION OF CLOCK-MAKERS OF LONDON.] Sir W. Curtis presented a Petition of the master wardens and court of assistants of the art or mystery of clockmakers in the city of London, setting forth: "That the art of making clocks and watches was long since established, and has been carried on in this country with great private and public advantage, and has attained unequalled excellence; that, till within a few years past, more than 100,000 clocks and watches have been annually made, whereby the sum of at least 500,000*l.* has been produced by British labour, on materials principally of British produce; and that many thousand artisans were thereby usefully employed; and that the national advantages derived from the perfection to which the art of clock and watch-making has been carried in this country, are not limited to the value of its produce, but extend to every branch of manufacture in which machinery is used; and that, from the operation of various causes, the value of the clock and watch manufactory as a source of national advantage has of late years been greatly deteriorated, and continues rapidly declining; the manufacturers, deprived of adequate employment, are obliged to seek other means of subsistence, and the workmen in all its branches are, in great numbers, reduced to distress, or are dependent on parochial relief for support, and many of the superior workmen, destitute of suitable encouragement at home, have been seduced to foreign countries, carrying with them their knowledge and ability, to construct and employ the most valuable and useful machinery, whereby the principal manufactures of Great Britain will be transplanted and established in foreign countries to the exclusion of British manufactures; and that the former prosperity of a manufactory so intrinsically and relatively important, was in a great measure attained by the enforcement of the restrictions imposed by act of parliament on the importation of foreign clock and watch work, as well in an incomplete as in a complete state; and that, in the year 1787, a duty of 27½ per centum was imposed on all foreign clocks and watches imported into this country, which duty has subsequently, from time to time, been increased, and now amounts to 75 per centum; and that, in consequence of the want of provisions adequate to the collection of such import duties, the illicit introduction into this country of foreign clock and watch work has obtained to an extent ruinously injurious to the British manufactory, and the advantage derived by the smuggler having increased in proportion to the increase of the duties, the illicit trade is now so regularly systematized, that the importers will undertake the safe conduct and delivery of foreign clock and watch work, without payment of duty, in this country, for 10 per cent. on its value, thus affording the illicit trader a premium of 65 per cent. which enables him to undersell the British manufacturer, and to the great injury of the public revenue; and that this facility with which foreign clock and watch work is illicitly imported into this country, is one of the principal causes of the declining state of the British manufactory; and that, during the long continuance of the war, the exportation of British clock and watch work has very much diminished, while the illicit importation of foreign clock and watch work has increased to an unprecedented degree during the same period, and, unless some new remedy be opposed to the evil, there is reason to apprehend that, whenever a general peace shall be made, the condition of the British manufactory of clocks and watches will become still more calamitous from the increased facilities with which foreign clock and watch work will then be illicitly introduced into this country, as well for home consumption as for the export trade; and that foreign clocks and watches so illicitly imported are openly exposed for sale in all parts of the kingdom; and that, in order to obviate any impediments which national preference, joined to the acknowledged superiority of English work, might oppose to the sale of foreign watches, they are illicitly imported in an incomplete state, and, being made to resemble in their exterior appearance English watches, are sold as English, to the great injury of the public and the ruin of the petitioners; and that no permanent or effectual relief to the distress of the petitioners can be obtained, unless the wisdom of parliament should interfere, and remove or mitigate those evils, the existence and consequence of which the petitioners most humbly represent and most sincerely deplore, and are prepared to prove to the House; and praying, that the House will investigate the extent and causes of the evils of which they complain, and will afford to the petitioners such relief as to them may seem meet."

Sir *J. Newport* observed, that although the manufacturers were thus ready to come forward with petitions to secure to themselves the monopoly of their own market by the exclusion of foreign manufactures, yet they were loud in complaining of any attempt to secure the advantages of the British market to British agriculturists by the exclusion of foreign corn. When some gentlemen spoke of freedom of trade, he thought they appeared only to insist upon its application to agriculture, while every restriction that could benefit manufacture was tenaciously maintained. If, indeed, the proposition of free trade were applied generally, the legislature would then proceed upon sound principles; but at present he had to complain, that the same measure of protection which was meted out to the manufacturer was denied to the agriculturist.

Mr. *Rose* said, that the right hon. baronet had wholly mistaken the petition, as its only object was to guard the petitioners against fraud. As to the right hon. baronet's allusion to agriculture, he (Mr. R.) should be ready to meet him at the proper time on that point.

Sir *J. Newport* insisted that he had not misunderstood the Petition; as its object was, to render more effectual the law which granted them a monopoly of the British market by the comparative exclusion of foreign manufactures.

Sir *W. Curtis* stated, that the petitioners did not require any monopoly; but only asked, that foreign watches should not be so marked, that a purchaser should be unable to distinguish a good English watch from an inferior foreign article.

Mr. *Barham* asked, for what purpose it could be required to prevent fraudulent importation, unless there was a prohibition? With regard to the Petitions presented against the proposed change in the corn laws, he thought that the House must yield to the public feeling on that subject; for a spirit had been excited out of doors, which was calculated to overawe the House; and he could not help expressing his surprise at the quarter from which the appeal had been recently made from that House to the people. He never, indeed, recollected any such appeal even at Palace-yard or Copenhagen-house. But any man could have roused the feelings of the people upon the subject of food. It required no talents to produce such agitation as now existed; but that agitation existing, no one could safely advise the House to proceed farther in the measure under consideration—indeed the House dare not—(A loud cry of Order! Chair! Chair!)

The *Speaker* expressed his opinion, that the hon. member could not advisedly use such language.

Mr. *Barham* explained, that when he said that the House dared not proceed farther upon such a measure with a view to its adoption, he meant that it dared not adopt such a Bill, under all the circumstances of the case; from a consideration of the alarm which prevailed respecting it, and the evils which its adoption was but too likely to produce. He meant the House dared not do that which would be contrary to its duty. The hon. member concluded with observing, that while some gentlemen on the other side pleaded for a freedom of trade when discussing the question respecting corn, none of them argued for the universal application of that principle. On the contrary, those gentlemen, and especially the right hon. gentleman (Mr. Rose), were continually proposing regulations and restrictions in favour of manufactures. For instance, no one oftener proposed bounties than that right hon. gentleman; and all such bounties operated as taxes upon the public.

On the motion for referring the Petition to a committee,

Mr. *Rose* declared, that this was the first time he had ever heard a member of parliament observe, that there could be no fraudulent importation unless there was a prohibition; while the fact was, that not a single article was imported into this country without being subjected to taxation. So much for the hon. member's skill and intelligence. [Hear, hear! from sir J. Newport.] The hon. baronet might cheer, but his statement was correct—for he recollected very few articles indeed, not even excepting raw materials, which were not subject to an import duty. Of course, such articles might be fraudulently imported. The hon. member had alluded to excitement upon this subject; but all that he (Mr. R.) had done respecting the corn laws could not, he trusted, be deemed irregular; for it consisted in his speech delivered in that House, in which speech he conscientiously stated his opinion. In that question, he would ask what improper motive could be imputed to him, or how it was possible for him in such a case to be actuated by any sinister consideration? He declared that, independently of the speech alluded to, he had offered nothing to excite any petition upon this question. Even to Southampton, which was represented by a relation of his, he, when applied to upon the subject, merely sent the resolution of that House, without any advice whatever how the electors of that town should proceed. In fact, he did not believe that any excitement had been used, or was at all necessary, among the people upon this question. On the contrary, he regarded the petitions on the table quite as the spontaneous expression of the public opinion. Whether that opinion was correct or not, he had no doubt that it was spontaneous; and it was evidently so decided against the proposed change, that every considerate man must see the necessity of acceding to the wish of his right hon. friend, the representative for Liverpool, that the adoption of the measure referred to should be postponed, at least until it was more fully discussed and thoroughly understood.

Mr. *Barham* in explanation said, that he had spoken only of the effect produced, and had not called the right hon. gentleman the author of the ferment.

Sir *John Newport* insisted, that the prayer of this petition had for its object to confirm a duty which amounted to a prohibition on foreign watches and clocks. The right hon. gentleman (Mr. Rose) had been so much accustomed to being an author, that he seemed to have quite forgotten that he not only made that speech in parliament, but afterwards published it; and, by so doing, he thought that he had greatly contributed to the ferment now existing. He must insist, that the manufacturers had no right to call for protecting duties for themselves, if they were unwilling that other classes of his Majesty's subjects should have equal protection. This was not fair; they should be content that protection should be meted out to all classes with an equal measure, or they should not call for it themselves. Was it not hard, that while protection was extended to other classes, the landholder should neither be at all protected from the competition of foreign agriculture, nor even allowed to export his own produce when it would bring the highest price? The landholder was in fact annoyed in two ways; first, he was not allowed to purchase foreign commodities if he could have them on cheaper terms, or to send his produce to a foreign market; while he was denied the benefit of a due preference in his own market. Thus did the law provide for the benefit of the manufacturer, to the prejudice of the agriculturist.

Mr. *Protheroe* spoke in favour of the petition, the only object of which was to prevent foreign watches from being marked with the name of any English manufacturer, and so imposed as of English manufacture. An hon. member had, he observed, expressed surprise at the quarter by which objections had been made, or, as he stated, "prejudice excited," against the Bill before the House; but he (Mr. P.) could not help expressing his surprise, that such a measure had met no opposition in another quarter, which was generally forward to profess a great regard for the feelings and interests of the people.

Mr. *W. Fitzgerald* expressed his belief and confidence, that any delay which the measure before the House might experience would not serve to defeat, but to ensure its ultimate success. For such a measure required only to be fully discussed and understood, to secure general acquiescence; as it was meant and calculated for the general good. It was not to be regarded as a measure having only a partial view to the interests of Ireland, or any particular quarter, but directed and designed for the benefit of all classes and districts of the empire. Such a measure, therefore, would not, he trusted, be abandoned.

Mr. *Protheroe*, in explanation, stated, that three Irish gentlemen were examined by the committee, whose report was before the House; but he trusted that evidence, with respect to the interests of England and Scotland, would be examined before such a measure as that which that report recommended should be enacted.

Mr. *Canning* deprecated the discussion in which the House was engaged; as quite inapplicable to the question properly before it, and as ill calculated to cure the animosity, or calm the inflammation which prevailed in the country, with regard to the measure fixed for consideration this evening, and into which gentlemen were rather prematurely entering.

The Petition was referred to a committee.

Mr. Whitbread presented a petition praying for the abolition of the practice of imprisonment for debt on mesne process.—Ordered to lie on the table.

Treaty of Peace.] Lord Castlereagh presented a copy of the Treaty of Peace and Amity, signed at Paris the 30th of May, 1814, between his Britannic Majesty and his Most Christian Majesty.

The title was read by the clerk, and it was received with loud cheers.

Lord Castlereagh having moved that it do lie on the table,

Mr. *Wilberforce* assured his noble friend, that if he had not been able to concur in the salutation with which his noble friend had been welcomed on his return to the House of Commons, it was not from any want of personal cordiality; but because, seeing the noble lord coming up the House with the French Treaty in his hand, and calling to mind the arrangements made in it respecting the Slave Trade, he could not but conceive that he beheld in the noble lord's hand the death-warrant of a multitude of innocent victims, men, women, and children, whom he had fondly indulged the hope of his having himself rescued from destruction. To a great extent, indeed, we had their preservation in our own power; to the amount of the importations of human beings which would now be made into the colonies we had given up to France, which colonies we should only have surrendered on an express stipulation that no more slaves should be imported into them; but in the case of these settlements, we had revived, or rather we had created, a trade in slaves, when it had been altogether extinguished. It was the constant error that prevailed on this subject, and he remarked it in the Treaty before them, to speak of these practices, and to treat them as a traffic; whereas, in fact, it was nothing less than the seizing of an indefinite number of human beings, of both sexes, and all ages, by every species of fraud and force, and the carrying them away in a method which included within it the utmost intensity of suffering, from their parents, their children, their families, their friends, their country, conveying them to a distant land, to pass the rest of their lives, and their posterity for ever, in a state of degraded and hopeless slavery. To witness, therefore, the revival of this dreadful evil, when to so great a degree he had conceived it was extinct, could not but fill his mind with the deepest grief and disappointment; and as for the stipulation, that the French themselves would join in abolishing the trade in five years, at the period of life to which he had arrived, with the experience he had gained, with the historical and diplomatic knowledge he had collected, he could not be at all sanguine in his hopes that this stipulation would actually take effect; and this not from any distrust he entertained personally of the head of the French monarchy, of whom, on the contrary, he was disposed personally to think very favourably. But if now, when the French had no capital engaged in the Slave Trade, not a ship, not a merchant, not a manufacturer, they yet cleaved so closely to this abhorred system, how much more must we fear that they would value and cling to it, when they would have so strong and manifest an interest in adhering to it, as in five years we must expect them to attain. It was not, however, to give vent to the feelings of an overloaded mind, Mr. W. said, that he had now risen, for in truth his feelings were far too deeply seated for him to be thus eased of them: but he rose chiefly to notice two particulars, to which he intreated his noble friend's immediate attention. The first respected the Treaty with Holland, which appeared to have been not yet concluded. If his noble friend could repose so much confidence in the French stipulation to abolish the Slave Trade after five years, he might be inclined to adopt the same principle of distant execution of an agreement to abolish, in the case of Holland also, and we might to her also surrender a great colony, which she would, for five years, be at liberty to cultivate with imported negroes. He enlarged a little on this topic, and expressed his earnest hopes that his noble friend would not then trust to any such distant speculation. The second particular to which he had alluded was the dreadful effects which would follow from fixing any certain number of years, during which the Slave Trade was to go on without limitation, and at the end of which it was declared before-hand that it should altogether cease. What was this, but to encourage slave-traders to carry off, and planters to purchase, as vast a multitude of slaves as possible, while the opportunity of carrying off or of purchasing should continue to exist; and what was this, in plain terms, but a premium on robbery and murder? what, but to encourage the desolating fury of this pest of society to rage with tenfold fury? Well, indeed, on a similar occasion, had a passage of Holy Writ been applied, and with a most characteristic propriety of application both in point of matter and of manner—"Woe, woe, to the inhabitants of the earth; for the devil is come down in great wrath, knowing that his time is short." But his noble friend, Mr. W. was persuaded, could not but perceive the fatal consequences which must follow from the admission of this principle, and would be glad if it were possible to admit some modification of it, by limiting the total amount of tonnage which should be allowed, or the quantity of shipping, or the number of slaves which should be licensed to be imported into each particular colony. This, Mr. W. repeated, was a consideration of still more importance, because we had also surrendered to France her former settlements on the coast of Africa. Hence they would have unrestrained access to the African coast, and, alas! to that very part of it which our measures had happily exempted from the ravages of this cruel traffic; and now, just when the chieftains were beginning to open their eyes to their true interests—when the natives were beginning to awaken to the principles of an innocent and peaceful industry, all was to be undone, and again we were to endeavour to call forth their former savage appetites and practices; again to set nation against nation—village against village—family against family. When he considered the miseries that we were now about to renew, was it possible to regard them without the deepest emotions of sorrow? Still, as all this was known to his noble friend, he would not suppose that he could lightly, or without what appeared to him the most imperious and almost irresistible necessity, set his hand to such a treaty. For his own part, indeed, he frankly declared no consideration could have induced him himself to consent to it, because it was doing evil that good might come; it was sacrificing an immense number of human beings, in a supposed hope, that at the end of a given period we should accomplish our object with the general consent of all parties. On that head, Mr. W. declared he had already said he scarcely durst be sanguine. Yet was there one consideration, one animating and gratifying object, on which, even now, he could look with great and unalloyed pleasure; for it was solacing and refreshing to the mind, when sickened by the view of low pursuits and mercenary interests, to be cheered by an exhibition of an opposite sort—to contemplate the dignified and generous in human character, the genial and beneficent in personal influence. He had already said with truth, that he entertained a favourable opinion of the principles of the king of France; but he was now directing his view to the emperor of Russia—a man whose moral sublimity of conduct in grand and trying circumstances, even more than his military prowess, had excited a hope that he was to be regarded as the true hero, the benefactor, not of Europe only, but of the human race. For surely, Mr. W. exclaimed, this great man would never debase his character, and blot his fair fame, by favouring the revival of a traffic of treachery and blood. Rather, he trusted, the emperor Alexander would exert himself in the congress which was to be held, in securing, if possible, the real execution of the stipulation for the termination of the Slave Trade after five years. Gladly, Mr. W. said, could he dwell on this more agreeable prospect though, after all, he durst not indulge such sanguine hopes of the real termination of the Slave Trade in five years. His noble friend must allow for his extreme regret, that when at length, after a laborious contention of so many years, he had seemed to himself in some degree in possession of the great object of his life—if then, when the cup was at his very lips, it was rudely dashed from them, for a term of years at least, if not for ever—heartily did he wish, that he might hereafter appear to have been too desponding. He would detain the House no longer; but he felt that it was urgently necessary to say what he had done without the least delay; and again he must press on his noble friend most strongly what he had already urged, concerning the extreme importance of applying some principles of limitation, as to the manner of carrying on the Slave Trade, to prevent the dreadful extent to which it must otherwise be carried, during the five bloody years, from the very declaration that it is then to cease for ever. Only let him reflect on the dreadful consequences which would but too soon follow from the Treaty which was then before them; and let them consider, how cruelly severe was the fate of that unhappy continent; the cessation of war in this quarter of the globe, was only to renew hostilities of a still more cruel and desolating character on the unoffending inhabitants of the African continent.

Lord *Castlereagh* observed, that, in point of order, he might decline discussing this interesting subject on the present occasion. But from respect to his hon. friend, who had so immortally distinguished himself in the great cause which he had undertaken, the abolition of the Slave Trade, he would say a few words upon it. He sincerely trusted that, although the Treaty, as it regarded the abolition of that trade, was not so fortunate as to meet with his hon. friend's approbation, it would nevertheless prove a powerful instrument in the accomplishment of that great work in which his hon. friend had been so strenuous and successful a labourer. His hon. friend's feelings were perfectly natural, and he hoped that in his turn his hon. friend would do him (lord C.) the justice to recollect that, since a portion of the public authority had been placed in his hands, he had not shown himself unmindful of his duty on the subject. As to the extension to the other ceded colonies of the principle which had accompanied the cessions to France, it must be recollected, that in Holland the deep apprehensions were not to be found which existed in the mind of the French nation with respect to their colonial commerce. But even as far as the French colonies were concerned, without anticipating the discussion on the subject, he could assure his hon. friend, that he acted under the strongest instructions from government at home, to make every possible effort to induce France to relinquish the traffic; and that, if he had relaxed in his demands upon that point, it was because he thought that to relax would be serviceable to the interests of the cause itself; and that to attempt to dictate to that great nation would be the most injurious course that could be pursued with respect to it. But although France was not bound by the Treaty to abolish the trade until after a certain time, he did not despair that before the arrival of that period, at which the prohibition of the trade would become mandatory on her subjects, she would, acting on a liberal and enlightened policy, mitigate the evils, or even accelerate the abandonment of the traffic. And he was convinced, that in confiding in the wisdom and discretion of that monarch who (to the blessing of Europe) now exercised a paternal sway in France, that he would gradually apply those means which his benevolence would suggest. We had acted a more gracious and a more useful part, than if we had ungenerously made use of any imperfect influence that we might possess, to force France to pursue an immediate policy repugnant to her views of her own interest. With respect to the cause itself, it could only be successful when all nations should cordially concur in the abolition; and in this view, it was a subject of pleasing contemplation, that France had determined on the complete abolition at no very distant day. He could also assure his hon. friend, that his own wishes to see the abolition complete and universal, were not more ardent than he was enabled authoritatively to state were the wishes of the emperor of Russia. Such were also the feelings of the other two great monarchs—the emperor of Austria and the king of Prussia. And if there were difficulties in other countries, arising out of the peculiar circumstances of their condition; it was no unimportant consideration, that in any future congress we were sure of the support upon this subject of three great powers of Europe.

The Treaty was then laid on the table.

Lord *Castlereagh* moved, that it should be taken into consideration on Friday se'night.

Lord *Milton* expressed his satisfaction at the observations which had been made by his hon. friend (Mr. Wilberforce), and trusted they would have their due weight. It was no great consolation to those who were lamenting that the Slave Trade would still be carried on by France, to be told that the emperors of Russia and Austria, and the king of Prussia, none of whose subjects could carry on the trade, were desirous that it should be abolished. He was far from thinking with the noble lord, that at the expiration of the five years France would with great facility relinquish this abominable traffic. If she felt indisposed to abandon it at a time when she reaped no commercial advantage from its existence, what would be her disposition when the extinct commerce of her colonies should begin to revive? He wished then to ask the noble lord and his Majesty's ministers, whether the non-fulfilment on the part of France of the article in the Treaty, respecting the Slave Trade, would be considered by them as a sufficient cause for war with France? If they did not go that length, then the hopes entertained by the friends of the abolition were worse than nothing, and they were only lulled into an imaginary security that would soon be completely and miserably dissipated.

The Treaty was then ordered to be taken into consideration on Friday se'nnight.

CORN LAWS.] The *Chancellor of the Exchequer* said, that, in consideration of the number of Petitions which had been presented to the House against the proposed alteration of the Corn Laws, he should move to refer those Petitions to the consideration of a select committee, with the intention and hope, that if the committee could make their report in due time, some legislative measure might be founded upon it in the course of the present session; and he should propose that it be an instruction to the committee, to examine how far the prices fixed by the 44th of George 3, for regulating the importation of foreign corn, were a protection to the growers of corn in this country; and if not, what provisions were in their judgment necessary, in order to secure the interests of agriculture.

On the motion being put for referring the Petitions to a committee,

Mr. *W. Smith* observed, that he had voted for the proposition made on the first agitation of the subject, to refer the consideration of it to a committee; and that his reasons were tenfold stronger than they were at that period, for the appointment of a committee. If he opposed the motion of the right hon. gentleman, therefore, it was because he was persuaded that no report of a committee, made in the present session, or measure founded upon such report, would have a fair chance of giving satisfaction to the public. Fully persuaded of this, and fully persuaded also that the postponement of the consideration of the subject to another session, would be no serious injury to any class of the people, he should vote against the motion. Far, however, was he from doing this under the apprehension that any violence would be suffered by the House, or by any individual member, in consequence of any perseverance in the measures which they might think it expedient to adopt. He had presented a petition that evening against the proposed alteration, signed by 12,000 persons, 7,000 of whom had actually assembled to prepare it: all of whom felt that the projected measure would very sensibly and injuriously affect their interests—but this feeling did not produce any riotous or disorderly conduct. They behaved themselves in the most correct and moderate manner; and it certainly was due to those who had so demeaned themselves, to pay a proper attention to their request, and to give a little more consideration to the subject than it could receive in the present session. Much had been said of the means taken to procure petitions. In the populous city which he represented (Norwich) he could answer for the fact, that but one opinion existed on the measure which had been introduced, and no means whatever were resorted to for the purpose of exciting the expression of popular feeling. He knew that persons of all parties and descriptions, the richest and the poorest, the best and the worst informed, those who were the most likely, and those who were the least likely, to be affected by the measure, were unanimously of opinion, that it ought not to be proceeded in till next session of parliament—He would not pledge himself as to the vote he should give, if the consideration of the subject were deferred—because it was impossible to foresee the nature of the proposition that would be brought forward; but they now had it in their power either to give satisfaction or dissatisfaction to the country by the course they adopted; and he thought it was the duty of that House, in return for the moderation displayed by the people, to attend to their representations.

Mr. *Western* said, in the present state of the public mind, the motion of the right hon. gentleman appeared to be very proper. Whether the committee determined that a Bill should be introduced this session, or that it should be postponed to the next, he thought it ought to be appointed; in the hope that a report might be made, calculated to give satisfaction to the country. He regretted the warm feelings which had been excited among the people, in consequence of the erroneous opinions they had been induced to adopt; and he could not help saying, that the mode in which the question had been discussed, both in and out of that House, had forced them into the situation in which they at present stood. The mode to which he alluded was, the constant assumption, as an incontrovertible principle, that the system recommended by the corn committee must necessarily raise the price of bread.—That assumption had pervaded the whole speech of the right hon. gentleman (Mr. Rose), whose entire chain of reasoning was founded on it. The right hon. gentleman must feel, that he had assumed the question in that way which best suited his own argument. He had not only maintained, that the measures proposed by the committee would raise the price of bread and beer, but he had stated the exact advance which would take place if their resolutions were adopted. Now it was extraordinary, that a gentleman so well versed as he was in the corn laws should have argued in this manner. He could not deny, that, for 68 years, during which there was an actual prohibition of the importation of grain, corn was cheaper than it had been at any time before or since. He took the prices from the pamphlet of the right hon. gentleman, and, comparing them with those which preceded and followed the period he alluded to, found them considerably more moderate than either the one or the other. If the question were to be debated on the principle, that no other intention existed but that of enhancing the price of corn, if such an idea were to go forth to the country, it must necessarily inflame the public mind —while every measure that tended to the persecution of the farmer was sure to be popular—and yet such measures ever had, and ever would have, the ultimate effect of making bread dear. Suppose a member got up in that House, and said, "I will introduce a Bill to prevent the price of the quartern loaf ever exceeding 6½*d.* or 6*d.*" A more popular measure than this could not be devised; but those who opposed it, however just and correct their arguments might be, would immediately be censured by the unthinking for an attempt to keep up the price of corn and bread.—There were many gentlemen in that House, who thought that a free trade ought to exist with respect to grain; but, if they were to converse with the petitioners against the measure, would they be able to persuade them, that the exportation of corn would tend to make it cheap? Certainly they would not; for the subject was better calculated to excite prejudice and passion, than to elicit calm reasoning. But, when it was absolutely proved, that, for 68 years, during which exportation was allowed and importation forbidden, the price of corn was lower than at any former or subsequent period, how could it be argued, that the measures proposed by the committee would have the effect of always keeping up grain as high as the importing price? He hoped the committee, if the House agreed to the motion, would not be formed of those members who were appointed on the last. It would, he thought, be more agreeable to the feelings of all parties, if the committee were entirely new.—He was convinced, the more the question was discussed, the more it would be found that the resolutions which the former committee had agreed to, were calculated to conduce to the general benefit of the country. Those who supported the alterations in the existing law were charged with not having sufficiently investigated the subject, and with not having laid the necessary information before the House. He was one of those who thought the information necessary to guide the legislature on a subject of this sort, was not very extensive. If the House were of opinion that they ought to give some protection to the agricultural interest, he knew not how they could determine what that protection ought to be, except by examining the prices of corn for a certain time. If, for instance, they selected a space of 20 years, and examined the price of corn, and its effects on the general prosperity of the empire, for that time; this, he conceived, was the true way of forming a judgment as to what the protecting price ought to be.

Mr. *D. Browne* spoke in favour of granting a fair protection to the agricultural interest. It had been argued, by those who opposed an alteration in the corn laws, that, if the farmer were dissatisfied with his profits, he might expend his capital on some other object. This was the worst argument that could be used—such a system would have the effect of changing the agricultural, into manufacturing, labourers—which, in his opinion, would be most prejudicial to the country. He would not say, that manufactures had been carried too far, but he thought they had been carried quite far enough. Every class in the country, no matter of what description, instead of opposing, ought to unite in protecting the interests of agriculture.

Mr. *Rose* said, when an hon. friend of his (Mr. Bankes) made a motion, on a former night, that a committee should be appointed for the purpose of enquiring whether any inconvenience would be suffered by the public, if no measure were adopted on the subject of the corn laws during the present session, he cheerfully concurred in it—because on that point, he wished the House to be satisfied. But to the motion just submitted to the House by his right hon. friend, he had an insuperable objection—for he did not think it was possible that the committee could so investigate the subject, as to produce a satisfactory report within the period to which the right hon. gentleman had alluded. It could not be so easily examined as the hon. gentleman (Mr. Bankes) seemed to imagine. The arduous and difficult point to be discussed was, what the protecting price should be; and, when it was recollected, that on this part of the subject no less than seven or eight sets of propositions had been drawn up, it was very evident that it would not be speedily adjusted. The hon. gentleman had observed, that it only required the average prices of corn for the last 20 years to guide the committee in their decision—but there were so many interests connected with the subject, that the committee could not, consistently with their duty, confine themselves to so contracted an examination.

Mr. *Western* replied, and insisted that, on former occasions, when the importation price was highest, the market price of corn was lowest.

Mr. *Long Wellesley* expressed himself in favour of the motion. He hoped the committee would inform themselves completely of the losses which the farmers were now sustaining. That useful and meritorious class of men were at present placed in a situation of great difficulty, from which it was most advisable that no time should be lost in extricating them. He had given his support to the measure introduced for altering the corn laws, because he thought it would bear less severely on the lower classes, than those propositions, which, in consequence of the evils produced by delay, they might hereafter be called on to entertain. With respect to the clamour out of doors, he felt it a heavy misfortune, that any man, standing in his situation, should be accused of acting from sordid motives; yet such was the charge advanced against them. It was said, that the object of the great landed proprietors was, to keep up exorbitant rents. But when the House were acquainted with the situation of the farmer, he would pledge his existence, it would be seen, that the rents bore no proportion to the heavy taxes they were obliged to pay. If this should be the case, he trusted the right hon. gentleman (Mr. Rose) would, in his candour, come forward and declare, that he was mistaken in his statement on that point.

Mr. *Rose* utterly and absolutely denied that he had ever made any accusation, or used any expression, that even tended to cast a reproach on the landed proprietors. He should be glad to know of the hon. gentleman, who spoke with so much confidence, when and where this accusation was made.

Mr. *Long Wellesley* said, the right hon. gent. had observed, in his pamphlet, that an advantage would be derived by the landed proprietors from the measure—and he believed he used the same language in that House. If his ears had not deceived him, the right hon. gentleman had said, that the consequence of the measure would be, to keep up exorbitant rents—an expression which was also contained in his pamphlet. Now, he was convinced the rents were not exorbitant; and, if he were examined before the committee, he would prove it.

Mr. *Rose* desired the hon. gentleman to point out any passage in the pamphlet that bore him out in the assertion he had made. It was true, the expression "exorbitant rents" was there—[Hear, hear, from Mr. Wellesley.]—He (Mr. Rose) wished the hon. gentleman would hear him. Those words were not given as his—they were in the mouth of Mr. Curwen, one of the greatest agriculturists of the country. The hon. gentleman ought to have read the speech a little more attentively, before he made any observation on it.

Mr. *J. P. Grant* was sorry the right hon. gentleman's present commentary had not accompanied the publication of his pamphlet; if it had, it would have prevented a very general misconception which had existed. He did not impute to the right hon. gentleman an intention to bring a direct charge against the landholders, that their only object was to raise their rents, or keep up exorbitant rents, at the expence of the poor; or against the gentlemen who promoted the measure proposed, that their only object was to raise the price of bread; but this was the inference that had been drawn, and not very unnaturally drawn, from certain passages in his pamphlet, by great numbers of people. Had it not been for arguments like these, the number of petitions on the table would have been greatly diminished. He rose chiefly, having formerly voted against the committee proposed by an hon. gentleman (Mr. Bankes), and meaning now to vote for the committee proposed by the Chancellor of the Exchequer, to explain the motives of his conduct. He hoped he was incapable of having his mind biassed, in the slightest degree whatever, by any popular clamour. He was convinced that no person in that House was capable of being so biassed. They would very ill discharge their duty to the people, if they were induced by any consideration to act contrary to their deliberate opinion in a matter in which the interest of the people was so deeply concerned. And in this question, of all others, the people were the most apt to be misled by their passions, and the false reasoning held out to them. But he thought it also the duty of the legislature to carry with them, if possible, the opinion of the people; being convinced, that no measure could be carried into beneficial execution, unless the opinion of the people went along with it. He had voted against the committee formerly proposed, because he understood the object of it to be, to inform the House; and he was of opinion, that the great majority of the House was already sufficiently informed on the subject. He voted for the present committee, because the object was to inform the public; and so thoroughly was he convinced that the tendency of this measure was the reverse of what was supposed, that it tended to cheapen bread to the poor, that he thought the more it was discussed the better. He had no doubt that, if it were discussed fully, but dispassionately, without the introduction, even through inadvertence, of expressions calculated to mislead and inflame, it would appear, to the entire satisfaction of every individual in the country, to be established not only by just reasoning, but by the yet more unerring test of experience, that the measures of regulation formerly so long and so successfully adopted, and now again proposed, are directly calculated to lower the price of bread to the poor, to secure to the labourer a constant and plentiful supply, to advance the interest of the manufacturer, at the same time with that of the landholder, and consequently of the whole community.

Mr. *Preston* was of opinion, that the landed interest ought to be kept at a fair par with the other branches of the community. It was impossible that the prices of agricultural produce, and the rent of land, could fall to what they were before the war, while every other article had sustained a proportionable increase. The grower of corn ought to have such encouragement as to induce him to raise the supply of food necessary for the consumption of the country; and it was well ascertained, that this country could grow a sufficiency of corn for its own subsistence.

Sir *Charles Burrell* said, it was incumbent on the legislature of a great country like this, to take equal care of the interests of all classes of individuals. A clamour, in many instances certainly very unnecessary, had been raised against the measure before the House; but if the amount of the taxes and burdens on agriculture were fairly taken into consideration, that clamour he had no doubt would be done away. The assessed taxes, property tax, and poor's rates, no doubt, weighed on all classes of the community; but there were some taxes which were borne exclusively by the agricultural class, and were direct taxes on husbandry. The tax on husbandry horses was of this description, and was most oppressive in its operation. The tax on malt was an indirect tax on agriculture; and its operation on it was even more severe than the property tax. It was brought forward as a war tax by Mr. Pitt; and he believed the tax was much heavier than the value of the produce on which it was laid. While all these circumstances weighed on the farmer, it was impossible for him to afford produce at the price which it bore before the war. He hoped that in the course of the committee matters would be considered fairly, and that gentlemen would not allow themselves to be led away by a vain clamour or a temporary popularity.

Lord *A. Hamilton* apprehended that any discussion upon the measure would now be superfluous. He felt himself now bound to oppose the committee, because he considered that no effective measure could result from their labours, and be carried through parliament, during the present session. The committee would have to order different persons to attend upon them for examination, and to enter on different enquiries. In what time, then, he would ask, could it be supposed to finish its labours? Not, surely, at the very soonest, in less than three weeks. The discussion of the measure which their labours might give rise to, would, at least, take up three weeks or a month more; and at the end of July, they would be able to send up a Bill to the House of Lords. The House was in some degree in an awkward situation. He should be sorry to encourage the notion, that the House had been determined either by the number of petitions, or the clamour out of doors. But, on the other hand, he could not consent to vote for a proposition which he considered as hopeless for the object which it had in view. His former understanding of this matter was, that the measure was to be put off to next session, but he now understood that something was expected to be carried through in the present. Before he could make up his mind as to what might be considered a fair encouragement to the agriculturist, he should wish to hear something from the right hon. gentleman (the Chancellor of the Exchequer) respecting the duration of the war taxes and property tax, and the period at which we might expect to see our currency restored to its former state. The law, as it now stood, would place the country in a different situation in this respect in the course of a few months.

The *Chancellor of the Exchequer* thought it would be premature at present, to determine whether any measure would or would not follow the labours of the committee during the present session. They ought to wait for the report of the committee, before deciding upon this point. For the protection of our agriculture, it would be necessary that a Bill of some kind or other should be passed. But he did not think it probable that the report of the committee would be laid before them in time to admit of a Bill being carried through both Houses of Parliament during the present session.

Mr. *Henry Thornton* observed, that the words of the motion were certainly open to the observations of the noble lord behind him (lord A. Hamilton). The committee were not only to report facts and to deliver opinions, but to instruct the House what Bill ought afterwards to be brought in. They were to state to the House what they considered as a fair protection to agriculture, and what measures were likely to lead to its future extension. The House ought not to delegate so important a trust to a committee of their number; as there was no individual who was not already pledged to one side or the other. The committee ought rather to sit for the purpose of informing them more fully on different points which at present require elucidation; and the measure ought to be put off for another session.

Mr. *Phillips* said, if the committee was merely to direct its attention to the scale regulating the duty on importation, he would certainly oppose it. He thought the dangers which were apprehended from a free trade were altogether without foundation. This country was supplied with most manufactures cheaper than any other; the agriculturist was not therefore placed in a disadvantageous situation, in comparison with the corn-growers of other countries. It was said, that a free trade would draw capital from agriculture to commerce; but the accumulations of commerce had a natural tendency to seek that security in land which land alone could afford them. Land derived the greatest benefit from commerce. They had as yet no information as to the state of prices on the continent. They ought to know whether we could bear foreign competition in our own markets. Even at the present moment the Irish importer could more than brave foreign competition here; for he could afford to sell corn cheaper than we could import it from Dantzic, Hamburgh, and Konigsburg. Notwithstanding the large importations from Ireland, the agriculture of this country had continued to flourish. They had lately passed a Bill for allowing a freedom of exportation. This implied, that the farmers of this country possessed the power of bearing competition in foreign markets. Yet by the Bill now before the House it was implied, that our farmers could not bear foreign competition in our own markets. The Irish had peculiar advantages over the natives of this country: they had no income-tax and no poors-rates. One would think, therefore, that permitting importation from Ireland would ruin the agriculture of Great Britain; but yet it was found that our agriculture had been going on regularly increasing. He could not think that this limitation now wished for would be ultimately advantageous to the landed interest; for if a free trade in grain were to be allowed, it would lead to an improvement of our general commerce. This increase of commerce would give rise to an increase of national wealth, and consequently an increase of population, which in the end would afford an additional encouragement to agriculture. This free trade would, therefore, in reality, be most beneficial to the landed interest. Where the effects of commerce were most seen in this country, there the rents of land would be found higher than any-where else. It had been said, that it was of importance to us to have an independent supply of grain. But could any other country be averse to sending corn to the country which abounded most in capital, and which possessed the most valuable articles for returning cargoes? Whenever this country wanted corn, it had always been supplied with it, notwithstanding that most extraordinary confederacy which we had lately witnessed. But nothing could be more ill-judged, than to prevent an extension of trade for the sake of an apprehension of a measure which, under circumstances the most favourable for such an object, never could be accomplished. A great panic had certainly seized the agricultural part of the community, and a panic had also seized the commercial part. Commerce, as might have been foreseen on the conclusion of a peace, was seeking out new channels, which occasioned considerable embarrassment in trade. They were not, however, on that account to endeavour to keep up the prices of our manufactures; yet by a parity of reasoning, manufactures were as well entitled to such assistance as grain was. For these reasons, he should be glad to vote for a committee, if it were to sit merely for the purpose of furnishing them with information on the subject, and not to come to any decision itself.

Mr. *Huskisson* said, every subject alluded to by the hon. gentleman would, as the motion was shaped, come before the committee; for the first reference to that committee was, that of all the petitions on the table on the subject of the corn laws. In some of these petitions the freedom of trade was surely introduced. He hoped, therefore, that the hon. gentleman would give his vote for the committee. He would state the reasons why he supported the present motion for a committee, though he objected to the appointment of a committee on a former occasion. He believed now, as he did then, that there was no probability of any importation of corn into this country before the next harvest. The only circumstance which varied his view was, that of the number of petitions which had been presented to the House. The views of these petitioners, even if founded in misrepresentation, although they ought not to induce any member to do that which he was not convinced was just and proper, were still entitled to the most respectful consideration of the House. Although the petitions were in many instances the result of malevolent and mistaken appeals to the feelings of the people, they ought to be met by temperate inquiry and the fullest investigation. The circumstance of such a number of petitions, therefore, afforded a ground for those who were favourable to the measure, to support the present inquiry; for the object of these petitions was, not to make any alteration in the corn laws, or to make no alteration in them without further inquiry. With respect to the encouragement which ought to be afforded to the farmer, it should be considered, that there was now a great diminution in the value of money; and that the capital necessary for carrying on of farming operations must now be double to what it was before the war. The noble lord (lord A. Hamilton) deceived himself, therefore, if he thought that things could return to what they were before the war. This was one of the most dangerous errors that could be entertained. What was likely to be the permanent charge of this country now that the war was at an end? The whole expences of this country, including all our establishments before the war, only amounted to 16 millions. He could not anticipate what part of our present establishments would be now kept up; but whatever they might be, he believed that our peace-establishment must entail on us a permanent charge of nearer 60 than 50 millions. Would this produce no alteration in the money value of articles? When gentlemen talked of the increased price of bread, was not every thing else raised in proportion; and that not in consequence of the high price of bread, but the amount of taxation? It was impossible for the country to return to the prices before the war. It had been said, that the obvious remedy was, to lower the rents. He had not the good fortune to be a landholder, and he had no interest but that of the public in general in view. The proportion of the gross proceed of land, which now came to the landlord, however it might be represented in money, was now much less than what it was in 1792. Previous to the war, in a farm of moderate extent, the farmer considered himself requited if he made three rents from it. But it was necessary in the case of such a farm now that the farmer should make at least five rents to be enabled to go on. If even the whole rental of the country were remitted, it would be impossible to return to the prices before the war. He was not afraid to declare, that the people of this country must not expect, be the law on the subject what it may, that, with our burthens, the price of bread can ever be less than double what it was before the war. With respect to the next harvest, it was in the hands of Providence, and he trusted that it would be as plentiful as the last; but in the year following this, the farmer ought to know what chances he had of being protected or ruined in the enterprizes in which he was engaged. With a view, therefore, to satisfy the opponents of the measure, and also to give hopes to the agriculturist, he thought it would be desirable to proceed to the committee.

Mr. *Broadhead* saw no occasion for any interference to protect the agricultural interest. Competition caused the manufacturer to send his articles into the market at the lowest rate; but there was no such cause that operated on the landholder.

Colonel *Wood*, having presented a petition against the Bill on this subject now before the House, from a large body of manufacturers employed in the iron trade, in Wales, wished to state why he assented to the motion for the appointment of a committee. He did so, not from any desire that their labours might be unavailing, nor from any expectation that they would recommend any thing like the Bill now before the House; but, if the committee should, contrary to his expectation, recommend any such measure for the adoption of parliament, he was satisfied it would be much more palatable coming from a committee so appointed, than it would be, if to be passed by the House, with no information on the subject besides that which they now possessed. He thought there was no protection necessary for the grower of corn; but if there must be some protection afforded to him, let it be on those kinds of grain from which bread was not produced. Let there be a total prohibition as to the importation of barley and oats; and as to wheat, only when it reached a particular price.

Sir *W. Curtis* was sorry to hear invidious comparisons between the manufacturing and the agricultural interests. He thought they were best supported when the two stood together. He thought the appointment of a committee a very salutary proposition, and felt regret that the House had proceeded to such a length in the Bill now before them, without having availed themselves of the information which they were thence likely to derive. Why should they now be pretending to legislate, without knowing what the real price of any one thing which they purposed to regulate, was?

Mr. *Canning* heartily concurred in the view of the matter taken by the worthy baronet (Curtis). If the proposition of his right hon. friend, the Chancellor of the Exchequer, was meant to serve as an instrument for ultimately expediting the Bill now before the House, he (Mr. Canning) should vote against the appointment of a committee; though he confessed he should feel greatly embarrassed in doing so; as it must appear strange out of doors, that with such a mass of petitions on their table, asking of them not to proceed without farther information on the subject, they should wish to shut their eyes against such information as they could obtain. After the explanation, however, which his right hon. friend had given on this subject, and after being told, that it was not meant to pledge the House to proceed on the report in the course of the present session, unless there should seem to be a necessity for so doing, he thought that sending the matter to a committee was, probably, the most natural way of disposing of the subject. He was of opinion, however, that the way of wording the motion of the Chancellor of the Exchequer was objectionable, in as far as it went to have it supposed that every thing except the scale was settled—a thing to which he could by no means assent. He undoubtedly agreed, that the only new circumstance in the case was, the immense number of petitions which had been presented. But he asked, was not that quite enough—not indeed to throw the House round, and to compel them to abandon a measure which they were satisfied was highly beneficial to the country; but to induce them to pause, and see what they could do to allay the alarms and quiet the agitated feelings of the people? Last year the committee appointed was a committee to consider the petitions which had been presented on the subject of the importation and exportation of corn, and the duties on it. Why, he asked, should not the House adopt that precise form now, at least as to the importation of corn? With respect to the exportation of corn, on that subject the Bill had already passed that House. A report coming from a committee so appointed would have the effect of removing all the errors, if errors they were, which at present pervaded the public mind, and of showing that there was no indisposition on the part of the House to attend even to exaggerated views of supposed evils when duly represented to them. These were his views of this subject. He should be sorry to move an amendment to the motion of his right hon. friend; but hoped he would consent to generalize the question. He would not go the length of asking of his right hon. friend to pledge himself that nothing should be done in the matter during the present session. That would, probably, be to ask too much of his right hon. friend; but, if it should be understood that on this point every one was to be entitled, afterwards, to judge for himself, he (Mr. Canning) should be perfectly satisfied.

Sir *J. Newport* observed, that the right hon. gentleman who had just sat down had been pleased to say, that he would not ask of the Chancellor of the Exchequer to pledge himself, that nothing farther should be done in the matter during the present session; while, at the same time, he proposed to make the enquiry into which the committee were to go, so broad and extended in its nature, that it would be quite impossible for them to come to an end of their labours, in such time that any measure could result from them during the present session. If this should turn out to be so, and the House were again called next year to act on the report which might be made to them by the committee now to be appointed, would not a similar objection to that now made be again started?—And would not the House be once more told that they were wholly without information on the subject?—Would they not be told that when that report was made Europe was in a state which no longer existed, and that another reference to a committee was necessary?—He submitted, however, that the House was called on to legislate on general principles, and not to adopt a permanent system, on local, fleeting, and varying circumstances. To proceed now to appoint a committee, would only be to keep the public mind uselessly afloat. The greater part of the petitions now on the table, he was satisfied had been procured at the instigation of persons interested in foreign corn, for their own advantage, without any reference whatever to the good of the people, who had, through misrepresentation and ignorance, been induced to put their names to them—people who were easily worked upon by the cry of bread at *6d.* the quartern loaf, and who would grasp at an immediate relief of that kind though at the expence of paying 18*d.* for it within the next eighteen months.

Mr. *Baring* could not bear to hear the great, and, in many instances, respectable, body of petitioners now before the House on the subject of the corn laws, treated in so undeserved a manner. They were said to be ignorant on the subject as to which they had petitioned the House. There was no where, however, he ventured to affirm, more false information on this subject to be found than in the learned papers which the committee of last year had laid before the House in their report. All the petitioners wanted was, not to see laws established which should cause them to pay for their bread more than was necessary. It was said, that the Bill before the House would be beneficial, in as far as it would have the effect of making the price of bread steady. Now, he could not see that it would have this effect. Steady prices were never produced by restriction. Apply the doctrine of restriction to any one county in England, and it would be found that the doing so would not have the effect of steadying the prices in that particular county; on the contrary, the bread would be alternately high and low, according as there was a good or a bad harvest in that particular spot; deprived, as it would be, of intercourse with the rest of the kingdom. As the whole of England was to any particular county in England, in this respect, such exactly was the whole of Europe as to England. The evident effect of restrictions of this kind was, that ingenious artizans and mechanics would go abroad, and would settle where they could get cheap bread. His object was, to get rid of the question entirely for this session of parliament; and if any proposition was made to that effect, it should have his support.

Mr. Huskisson and Mr. Baring mutually explained.

Mr. *Barham* was favourable to the proposed alteration in the corn laws as to importation; being satisfied that, instead of raising the price of bread, it would have exactly the contrary effect. He should vote against the committee, because he thought the best way was to abandon the measure; when the people would soon become sensible of what they had lost, and would find that they themselves had brought down the evil upon their own heads.

Mr. *P. Moore* thought the best mode of proceeding would be, according to the prayer of all the petitions, to postpone the matter till the next session of parliament. His object and that of his constituents was, to see what the effect of the instrument which the noble lord (Castlereagh) had that night laid before the House (the Definitive Treaty of Peace) would be against next session. Ministers would have time to look about them, and to see to what extent our burdens could be alleviated; and landlords also might have time to enter into arrangements with their tenants.

Lord *Compton* approved of the appointment of the committee; thinking it proper that the country should become independent of foreign aid in so essential an article as that of bread.

The *Chancellor of the Exchequer* agreed to the alteration, as to the wording of his motion, suggested by Mr. Canning. If it could be supposed that the motion as he proposed originally to word it, could have had the effect of fettering the committee, that was a sufficient reason why it ought to be altered. As to pledging himself that the measure should not be again taken up during the present session, he could not consent to give any pledge of the kind. Every gentleman, however, would be at liberty to think as he pleased on this part of the subject.

Sir *C. Monck* was surprised to hear it contended, that the House had no information on the subject now under consideration. Had they not the statute that had been passed on the subject? And had they not also all the quarterly average prices of the maritime districts, as they had been published quarterly? Were they not all on the table?

Mr. *Lockhart* was for the committee; in the hope that no measure would follow upon the subject during the present session of parliament.

Mr. *Rose* would rather that the matter were entirely postponed to the next session, as there might in the mean time be a change of circumstances. He should not oppose the committee, upon the understanding that no further step should be taken during the present session.

The gallery was then cleared for a division; when the numbers were—Ayes 173; Noes 67.

Strangers continued to be excluded from the gallery; but we understood, that upon the order of the day being read for taking into further consideration the Report on the Corn Laws,

The *Chancellor of the Exchequer* moved, That the said Report should be taken into further consideration that day three weeks; and general Gascoigne moved as an Amendment, That it should be taken into consideration that day six months; upon which the House again divided; when the numbers were—Ayes 116; Noes 106. Majority 10.

The Bill was therefore lost.

ADDENDA

TO

VOLUME XXVI.

THE SPEECHES OF ROBERT RICKARDS, ESQ. ON THE RENEWAL OF THE EAST INDIA COMPANY'S CHARTER.

The following correct Reports of Mr. Rickards's Speeches in the House of Commons on the 2nd and 14th of June 1813, appeared too late for insertion under their proper dates.

SPEECH *of the 2nd of June* 1813.

(*See Vol.* 26, *p.* 516.)

IN a Committee of the whole House on the Resolutions for Renewing the East India Company's Charter,

Mr. *Rickards* rose and said:

Mr. Chairman;—On the great and important question before the committee, I solicit your indulgence to the few remarks I have to submit.

The habits of my life having been widely different from those which qualify for public speaking, I should not presume to intrude myself into the debate, did I not think the consideration of the question would be benefited by a thorough knowledge of facts; nay, that a just decision on the resolutions depends more on facts connected with the case, than on arguments, or opinions, however ably or eloquently delivered. The observations I shall venture to make are the result of diligent inquiries and actual experience in the country for which we are about to legislate, a country in which I have passed the best years of my life, and I shall never cease to feel a warm interest in all that may tend to promote its welfare.

The first and chief point of consideration, as it appears to me, is the condition of the inhabitants of India, the state of its internal government, and the means of increasing the comforts, happiness, and security of the people. Compared with this, all other points of the question, in my humble estimation, sink into insignificance. The resolutions, however, do not touch on this part of the subject. Whether it has been thought there was not time enough to discuss an object of such importance and magnitude, or whether the information hitherto collected has not been deemed sufficient, I shall not stay to inquire; nor is it my intention to press it on the attention of the committee, further than as it is intimately connected with the commercial question to which the resolutions are chiefly directed.

It must be obvious, that a nation, however rich in itself, can derive but little benefit from trading with a country of beggars: which, generally and comparatively speaking, is the state of India, exhibiting a numerous population spread over a vast country of great natural fertility and easy cultivation, and tilling the land for subsistence; all other means of employment being very limited. There are, no doubt, exceptions to this, as to every other general rule and position, in the great commercial towns of India, where property is secure, and taxation light; wealth is there accumulated, and, by expenditure, diffused so as to improve the condition, and promote the comforts, of all the different classes of inhabitants. But the blessings of this diffusion are restricted to these very narrow bounds. Owing to the rigour of our revenue institutions, and the exorbitant rates of our land-tax, commercial wealth does not in India, as in Europe, overflow to the agriculture of the country; it is restrained both in its expenditure and useful employment. Rich towns, where they do exist, are surrounded, at no great distance, by a numerous agricultural people, deriving from cultivation of the land a scanty maintenance for themselves and their families, having little or no surplus produce to exchange with the towns, but what barely suffices, from the proceeds of its sale, to answer the demands of government for revenue. The transition from the narrow circle of commercial wealth to the wide-expanded fields of agricultural wretchedness is immediate; and the great mass of the people are doomed, not only to a miserable but to a confirmed state of poverty—to a state of poverty for which I see no remedy but in a very material change of our revenue institutions in those districts where it can yet be effected; and where it cannot, there is no resource for improving the abject condition of the natives, but in the freedom of trade; on which, as a consideration immediately growing out of the resolutions before us, I shall beg leave to express my sentiments, after premising that our revenue systems in India are founded on a principle adopted into the political practice of our government, that the sovereign is the proprietor of the soil, and, as such, entitled to one-half of its gross produce, or thereabouts. This principle, revolting as it is to British ideas of property, can be traced no higher than to the Mahommedan conquerors of India, who, by their exactions, and excessive impositions, are considered to have absorbed the net rent of land in the amount of the tax, and to have annihilated the respectable class of landed proprietors properly so called, or to have reduced them and their descendants to the degraded condition of cultivators or labourers in their paternal fields.*

This opinion is founded on there being no trace of the same rate of taxation in those countries where the Mahommedan arms did not penetrate, and where the ancient Hindoo institutions may therefore be supposed to have descended unchanged from the most remote antiquity. At all events, we found this principle established in the countries conquered by us from the Mussulmâns; and, wherever it prevails, the ryot, or farmer, having only the other half left to him as his share, from which he is to supply all his expences of cultivation and maintenance, and to save seed for the ensuing year, is reduced to a degree of poverty and degradation very little removed, in some districts which I have seen, from the condition of savage life.

Mr. Colebrook, in his treatise on the husbandry of Bengal, says, that a cultivator at half-produce is worse off than a labourer in the cultivator's own field, who is paid at the rate of two annas*, or about three pence sterling, *per diem*. He has neither stock nor capital sufficient to carry on any but the most wretched husbandry: he is often obliged to borrow money at heavy interest, secured by a species of mortgage upon the coming crop; and when it is also remembered, that this exorbitant land-tax of half produce is collected, or rather exacted, by a numerous establishment of native servants†, who take as much more as they can get for themselves, and whose acts the European collector cannot by any means sufficiently controul, it is hardly possible to conceive a condition more deplorable, or more adverse to the advancement of civilization and prosperity, than that which the ryot of India actually exhibits: he may well be described in language lately used by the honourable directors, to live all "his days on rice, and to go half covered with a slight cotton cloth‡;" for the wretched being here described can afford nothing better.

When government take all but what is barely necessary for the support of the ryot, there can be no intermediate proprietor; society is therefore deprived of the advantages arising out of a regular gradation of ranks; of those natural ties and authorities which serve at once to give strength, animation, and security, to the whole body, and to attach it most effectually to the ruling power; it consequently loses the benefits of the expenditure of private wealth, which is the best support and stimulus of the labour and industry of the poor. A government absorbing the net rent of land in the amount of a tax, which leaves to the cultivator, for the expences of agriculture and the maintenance of himself, his family, and dependents, only half the produce of his fields, can never, by any expedients, supply the blanks and deficiencies in society, nor remedy the evils which its own improvident act has occasioned. A rigid enforcement of this principle of taxation must necessarily induce the very worst condition of society that can be conceived to exist, viz. a limitation of classes to the despots who rule and the slaves who obey; and in proportion as political causes check the growth of intermediate ranks, the people will be found to approach this point of extreme misery and weakness.

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* Vide col. Wilkes on the South of India.

* Vide Remarks on the Husbandry of Bengal, p. 102.

† The conduct of our native revenue collectors is very strikingly displayed in the Report of an Inquiry into their alleged malpractices in the Tanjore district, of which an abstract is given in the Appendix.

‡ Printed Papers respecting the Renewal of the Company's exclusive Privilege, p. 234.

Where the sovereign is sole proprietor, and takes the fruits of cultivation to this extent, there can be no land in the market for sale; and, if there were, capitalists would not buy what was so obviously incapable of yielding them any return; or if, to render these lands marketable, the sovereign proprietor relinquish a very small portion of his demand for revenue, it is at best but a short remove from the former point. The field for the employment or expenditure of the commercial wealth accumulated in towns is, by this operation, but little enlarged; whilst many of our most enlightened Indian servants have thought, that thus to create a class of landed proprietors, allowing them only a modicum of the general produce for their own share, is rather an aggravation than a mitigation of the original evil.*

Though this principle of taxation, dividing the produce equally between the sovereign and the cultivator, be very generally asserted, and even acted upon throughout the greatest part of India, it may still be urged, that it is not very rigorously enforced. To this I should reply, that an exact execution of it in practice is utterly impossible. In the first place, having myself made some experimental inquiries into this matter, I am led very strongly to doubt, whether one half of the actual produce of land, taken in a large extent of country of various soils and capabilities, (whatever it may be in particular fertile spots) and in a country, divided as India mostly is into small tenures, be sufficient for the maintenance of the class of cultivators, and the expences of their husbandry. It is, however, the share, nominal or real, allotted to the ryots of that country; and its consequence, as noticed by Mr. Colebrooke and others, is always extreme poverty.

In the next place, though there are accounts all over India pretending to show the actual produce of every field and garden, and its division into shares, with minute accuracy, I have no hesitation in asserting, that it never was, and never can be, accurately ascertained:* and if any one will take the trouble of calmly reflecting, what infinite variations, in this respect, must necessarily arise in all countries from soil and climate, no two fields, perhaps, being exactly alike; from different degrees and means of irrigation; from changes in season and weather, neither to be foreseen nor calculated; from accidents, such as inundations, tempests, droughts, blights, &c.; from the different degrees of labour, skill, or capital, employed in the cultivation; and from changes from year to year, in the articles produced; and still more, if any one will attempt personally to examine any extensive spot with a view to ascertain its actual produce, he will be fully convinced of the truth of this position.

Notwithstanding the utter impossibility of framing these accounts, with sufficient accuracy to make them a basis of any thing like a just and equal system of taxation, we have been in the habit of trusting to them in India very generally; they are the avowed groundwork of our revenue collections, on account of the plausibility with which they are framed, notwithstanding the Indian records contain abundant proofs of their being a mass of error. Some of these records lately printed, and now on the table of this House, contain avowals by the highest Indian authorities of the extreme inaccuracy of these accounts, and how little they are to be relied on, after the most laborious and meritorious exertions of the Company's ablest servants had been for years devoted to perfect them.

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* Vide col. Munro's Letter, 15th Aug. 1807, in Appendix to Fifth Report of the Select Committee on the Affairs of India, p. 943, 944.

* A perusal of col. Munro's Letters in Appendix to Fifth Report, p. 745 to 752, will show how liable all land surveys, and accounts of landed produce, are to fraud, error, and arbitrary imposition; and also how insufficient the precautions suggested by this distinguished collector must ever prove to remedy these evils. When col. Munro asserts, that "there is perhaps no curnum (native accountant) who in any one year gives a perfectly true statement of the cultivation of his village; and it is only the fear of suspension or removal that can make him give such accounts as are tolerably accurate;" he only advances what is still further corroborated by Mr. Shore (now lord Teignmouth) in his minute entered in the same Appendix, and is indeed consistent with common experience in this department of the revenue.

In an extensive district, of which I was once collector, I found the village and canongoe accounts complete fabrications, though the collection went on, that is, certain sums were annually realized by the native collectors from certain districts, just as if no error prevailed. In several cases I ascertained, by personal inspection, that large tracts of cultivated lands were wholly omitted from the accounts; whilst, in others, they exhibited a most minute detail of produce from rice lands and plantations, where, on proceeding to the spot described, no such produce had ever existed within the memory of man. This country abounded wih cocoa-nut, beetle-nut, and mango trees, all assessed to the revenue; the former, more especially, vary exceedingly in their produce, in proportion to their distance from the sea: the trees of the same garden also bear differently; yet one uniform tax of 56 reas per tree was applied to all. Besides this inequality in the application of the tax, its amount was greatly more than the value of that portion of the average produce of each tree, which government claimed as its own share; so that to enable the holder, or cultivator of these lands, to pay his tax on the over-assessed trees, a certain number of other trees in the same garden were given up khas, or free of tax. In other cases, I have known the revenue assessed on cultivated fields actually exceed the gross produce of the spot;* in which case the ryot was forced in each year to cultivate his land, but was allowed to hold other lands, either tax-free, or assessed lower than the established rate, to enable him to pay this extravagant demand. This is sometimes called justice to the ryot; but it is rather an act of necessity, for without it the tax could not be paid at all; and if we consider the collusive dealings, the fraud on the one hand, and the oppression on the other, to which such a system is peculiarly open, coupled with the absolute impossibility of distinguishing under it, with accuracy, the rights of government from those of the cultivator, can any impartial and reflecting mind fail to be convinced of its arbitrariness, hardship, and injustice? that the tax has been of necessity, and probably in most cases, assessed upon the ryots, by no other measure than their supposed ability to pay it? that there is nothing certain in it but its exorbitance; that it pretends to a precise rule, which never can be accurately applied in practice? and that its magnitude occasions so large a proportion of the produce to be taken by government and its officers, as to "leave to the unfortunate ryot (in the words of the Fifth Report) little more than what he is enabled to secure by evasion and concealment?"

There are other persons, besides actual ryots, who share in the general produce of the soil, known by different names in different parts of India. They are all enumerated and classed in the Fifth Report; but the amount of the sovereign's share is so great, that the portions allotted to the other sharers are not sufficient to raise them above the poverty of the ryots themselves. In this respect all are poor alike, or with few exceptions. But this supposed right is productive of further evil, in the vexatious enquiries which have been set on foot to ascertain and extend the assertion of it; and in a constant interference in the business and pursuits of individual subjects, which a sovereign never can exercise but to the material obstruction of general prosperity.*

In the official vouchers subjoined to the Fifth Report there are several striking examples of the effects of this interference; and with so many recorded proofs before us of the evils resulting from this system of taxation—a system too obviously inconsistent with all sound principle—does it not behove us, now that we are about to legislate afresh for that country, if we really wish the prosperity of India, to examine, to expose, and to remedy, where we can, existing impediments to the progress of improvement? Neglect, oversight, or silent toleration of evils, will be grounds of just reproach on our proceedings.

The disorder and vexation, the great

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* Col. Munro, in the Letters before referred to, p. 749, also says, "in every village, in every season, there are a few fields whose produce is not equal to their rent."

* Mr. Shore's Minute before referred to, Appendix to Fifth Report of the Select Committee.

irregularity and various abuses attendant upon this system in Bengal, were deplored in strong terms by the court of directors, in their letters previous to 1793, and in the minutes of my lord Cornwallis and Mr. Shore. The general state of these provinces, indeed, led to the appointment of lord Cornwallis as governor-general. That nobleman, of whose moderation, love of justice, and humanity, no human being, I believe, ever doubted, introduced what is known in India by the appellation of the zemindary or permanent settlement. The object of this change was to limit and define what had before been fluctuating, arbitrary, and unequal; and to establish a class of landed gentry in India, from which were expected to result the same benefits which other countries have experienced from the gradual formation of the middling and independent classes of society. The lands were accordingly divided into estates, and made the free and hereditary property of a zemindar, subject to a land-tax to the government, for which the estate itself was answerable; and with a view of adding the value of permanency and security to this property, the tax was declared to be fixed for ever. But what was the amount of this tax? The average of former years' collections was assumed as the basis of the expected realization of revenue from the country under the new system. The necessities of government for paying their great military and civil establishments perhaps required such an amount of revenue; and the tax appears to have been accordingly fixed, so as to yield a sum fully equal to the collections drawn from the country during the period of disorder and exaction above referred to, and considerably exceeding those of Acbar's reign, when Bengal is described to have been in a more wealthy and generally prosperous state. In order, therefore, to realize this revenue, the following arrangement occurred:

Of the supposed or estimated gross produce, it was found necessary that the ryot should retain his customary share of one half: universal experience proved that he could not possibly cultivate the land with less; the remainder, after allowing for the trifling portions of other sharers, constituted what may be termed the net rent, of which government took 10-11ths, according to, some, or 9-10ths, according to others, leaving only 1-10th or 1-11th to the proprietor.

Now, Sir, I would put it to the feelings of those gentlemen who hear me, and particularly to the landed interest of this kingdom, what they would think of a government which should take from them, as a direct land-tax, 10-11ths of the net rent of their estates; and whether they think it possible for any people on earth to flourish under the pressure of so heavy an imposition? Let it also be remembered, that this imposition was abruptly introduced at a period when the country was already exhausted by the disorder, oppression, and abuses, which are acknowledged, by the highest authorities, to have marked the preceding administration of its revenues.

It appears to me, that the exorbitance of this land-tax completely destroyed, from the beginning, all the other benefits of the permanent system of lord Cornwallis, and counteracted the good effects which, under a more moderate assessment, might probably have resulted from it. What was intended to be granted to the zemindars as a boon, was of too little value to be felt as such; whilst the measures with which it was accompanied deprived it entirely even of that little value.

The zemindary settlement was introduced into Bengal with a code of judicial regulations, by which, among other humane objects, it was provided, with a view to relieve the ryots from arbitrary punishment or imprisonment on the part of the zemindars, that the latter should be only allowed to recover arrears of rent from the former, by means of a judicial process in the adaulet. This process, necessarily a slow one, was rendered still more so by the vast accumulation of causes, which, from the beginning, clogged the proceedings of the courts. The zemindar, in the mean time, fell in arrear to government; and the exorbitance of the tax, coupled with his own poverty, rendering him unable to discharge it, his estate was, by the same regulations, rendered seizable by the collector, and might be put up to public sale, to satisfy the demands of government. This latter process being much more concise and expeditious than that of the adaulet against defaulting ryots, it followed that the zemindar was deprived of his lands and hereditary possessions on account of arrears, long before he could recover from his tenants, under the regulations of the same government, that which could alone enable him to satisfy the public demand, In this way the whole landed property of Bengal is represented to have changed hands, and its most ancient families to have been reduced from a state of influence and respectability to heavy distress, beggary, and ruin.

These effects are described in the Fifth Report, in the following terms. The collector of Burdwan writes, in 1794, "That the rajah begs leave to submit it to your consideration, whether or no it can be possible for him to discharge his engagements to government, with that punctuality which the regulations require, unless he be armed with powers, as prompt to enforce payment from his renters, as government had been pleased to authorize the use of in regard to its claims on him: and he seems to think it must have proceeded from an oversight, rather than from any just and avowed principle, that there should have been established two modes of judicial process under the same government; the one, summary and efficient, for the satisfaction of its own claims, the other, tardy and uncertain, in regard to the satisfaction of the claims due to its subjects; more especially in a case like the present, where ability to discharge the one demand necessarily depends on the other demand being previously realized."

The collector of Midnapore writes also in 1802 on the same subject as follows: "All the zemindars, with whom I have ever had any communication, in this and other districts, have but one sentiment respecting the rules at present in force for the collection of the public revenue. They all say, that such a harsh and oppressive system was never before resorted to, in this country; that the custom of imprisoning land-holders for arrears of revenue was, in comparison, mild and indulgent to them; that though it was, no doubt, the intention of government to confer an important benefit on them, by abolishing this custom, it has been found, by melancholy experience, that the system of sales and attachments, which has been substituted for it, has, in the course of a very few years, reduced most of the great zemindars in Bengal to distress and beggary, and produced a greater change in the landed property of Bengal, than has perhaps ever happened, in the same space of time, in any age or country, by the mere effect of internal regulations."

From this official account of the injuries sustained under the zemindary system in Bengal, they must be admitted to be very grievous. For my own part, I cannot but ascribe them wholly to the exorbitance of the land-tax; for whatever may be referred by others to errors and inexperience upon the introduction of a new system, I cannot conceive it possible, especially when I know the extraordinary attachment of native Indians to their landed property, that so dire a revolution, and such dreadful distress, could ever have occurred, if the original tax had not been, from its amount, and mode of collection, intolerably oppressive.

For several years after the introduction of the zemindary settlement in Bengal, the Calcutta Gazette teemed with advertisements for the sale of lands in arrear to the revenue. It is remarkable also, as appears from the statements lately published, that the lands at this time only sold for just enough to clear off the arrear. Now, if we suppose a part only, and not the whole revenue of the year, to have fallen in arrear, it follows that the lands at this time were of so little value in general estimation, as not to realize one year's purchase of their real net rent, and probably only a very few years purchase of that portion of the rent allotted to a misnamed proprietor.

To prevent these arrears of revenue from accumulating, it has been found necessary, in later years, and in fact the only remedy that could be devised for this distressing evil, to restore the former summary power of the zemindars over the ryots, in respect to the recovery of arrears of rent. But it should be recollected, that the present zemindars are mostly monied men of Calcutta, who send out agents or stewards to manage their estates, from whom the ryots are not likely to experience more lenity than from the old zemindars, who had an interest in securing the attachment of their dependents. It is also, as far as the regulation admits, a recurrence to the former system of arbitrary punishment and imprisonment, which lord Cornwallis so anxiously endeavoured to avert from this class of the population; the only benefit, therefore, which would seem to have resulted from this change, is the restoration of a power that causes the revenues, or land-tax above described, to be paid with greater regularity into the public treasuries. It cannot be said to be any great advantage to the ryots, or to be likely to conduce to the improvement of their condition.

Up to the year 1800, much the same kind of revenue system seems to have been in force at Madras, as is already described to have prevailed in Bengal previous to 1793. The second Report apprises us, on the authority of my lord Wellesley's government, in a letter dated in 1800, that "those valuable possessions (meaning the ancient possessions of the Company on the coast of Coromandel) were destitute of every institution which could either promote the ease and happiness of the people, or the vigour and efficiency of the government."

To remedy this deplorable state of things, the Bengal zemindary system, and its accompanying judicial regulations, were ordered to be introduced into the Madras provinces. It has accordingly been extended to some of them, with this modification, as to the sovereign's revenue, that it averages at Madras about 8-10ths, instead of 9-10ths, as in Bengal, of the net rent of estates. It has also been introduced into districts where no zemindars previously existed; where the sovereign, being considered sole proprietor of the lands, divided their produce with the ryots; and where government consequently erected a class of men, by purchase or grant, to occupy allotted estates, under the denomination of mootahdars.

The Fifth Report notices a pretty general failure of this system in the districts under Madras, to which it had been extended, and gives in the Appendix numerous opinions, by the most distinguished servants at that presidency, adverse to its operation, and further extension. There are also some able opinions in its favour; but the general prepossession being against it, the further introduction of the system seems there to have been suspended. It is not my intention to discuss the relative merits of the different systems now prevailing at Madras, for this does not appear to be the question before the House. I shall, therefore, merely observe, that the tax, under all of them, is, in my opinion, greatly too high, and consequently the main defect of the whole; whilst under a more moderate assessment, the zemindary system would certainly possess some advantages, of which the others would still be destitute.

The exorbitance, however, of the tax, and the absolute necessity of its punctual discharge, it has been often asserted by respectable authorities, leave to the mootahdar no alternative, in attempts to improve his own miserable share, but to trench on the portion allotted to the ryot, since he cannot invade that of government with impunity, by which means the ryot's condition is made worse than it was before. The following letter from a native of great respectability, to the governor of Madras, describing the effects of the mootahdary system in the district where he resided, confirms the truth of this assertion; and as it is an interesting document, which may relieve the tedium of my detail, I shall beg leave to read it for the information of the House; and the more especially as, with some allowance for its style, and the warmth of some of its expressions, I feel confident, from my own knowledge of facts, as well as the information of others, that it gives no unfaithful account of the general conduct of mootahdars, and of the evils to which the system, under existing circumstances, is irremediably liable.

"HE IS THE JUST GOD.

"Let them present this to the resplendent sight of the right honourable lord William Bentinck, governor in council, the cherisher of mankind, may the shadow of God long remain upon him!

"The Dessmooks, Desspandies, Naat Goms, and Shambogues, the ancient Landholders, Puttiels, and Ryots of every description, natives of or resident in the districts of the Bara Mahl, and other dependencies of the Sircar of the Company, the seat of prosperity, in consequence of the system now in force, openly, and without service, at all times, and in every condition, thus among themselves bear testimony.

"1st. During the reign of Hyder Ally Khan Bahauder, the whole of us ryots, devoting ourselves honestly to the payment of the government taxes, gained from our own shares livelihood, and enjoyed protection, security, and ease; afterwards also, for a certain period, whilst subjects of Tippoo Sultaun deceased, we passed our time, as before, happily free from care and sorrow, were objects of favour and attention, and surrounded with justice. During the latter part of the life of Tippoo Sultaun, who, notwithstanding his addiction to pleasures, was a well-intentioned man, true to his promise, a lover of justice, and attentive to the complaints of his people, owing to our being delivered over to oppressive aumils, and assofs of a cruel disposition, unable to preserve our effects and lawful property, we became affected, and from our heart and soul, tired of our very existence. Whereas having repeatedly heard reports of the humanity of the sirdars of the English Company Bahauder, their compassion for the poor, love of justice and equity, regard to the condition and complaints of the suppliant, attention to the benefiting of all classes of people, as well as their fair dealing and observance of agreements, which exceed the bounds of common publicity, and embrace the whole world, we entreated of the Lord of Majesty and Glory, with the utmost fervency of prayer, that having, for the comfort and support of us poor creatures, delivered over the rein of government of these districts to the guidance of the sirdars of the Company, who are the centre of moderation and justice, and the refuge of the poor, he would effect the freedom and happiness of us distressed people. Praise be to God, that agreeably to the earnest desire of our breasts, so did it take place. The banners of lord Cornwallis's army, the emblem of victory, having moved towards the Ghauts, after a series of warfare, peace was concluded, and the province of the Bara Mahl, being taken by the English, was committed to the management of colonel Read Bahauder, with a view to afford the oppressed inhabitants the enjoyment of peace and prosperity. By the favour of God, the above-mentioned colonel, after having carried into effect a regular arrangement and administration of the affairs of the country as was proper and becoming, with a strict regard to justice, in attending to our comfort and happiness and general welfare, surpassed the accounts that had been heard of respecting the just administration, the observance of which was an invariable rule of conduct, of the chiefs of the English Company Bahauder; thus we all, of every description, from the marsh of distress, reached the banks of liberty and security, from the time of colonel Read Bahauder, until that of the present Mr. Groeme; we passed our time contentedly, and with peace of mind, and returning thanks to the Almighty, we offered up our prayers for the continuance and stability of the Company's empire; and, reflecting on the access we had to favours, and the return of peace and safety, we formed a firm resolution, the effect of the most fervent good-will and devotion to the state, that if hereafter, by the decrees of fate, any foe or rebel should threaten the territories of the Company, ere the waving of the standards of the army, the semblance of conquest, we, setting an example, would ourselves correct, punish, and exterminate the impotent enemy.

"2nd. We are ignorant what instances of treachery, discontent, or impropriety of conduct on the part of us poor people, have been brought to proof by the officers of the British government, the seat of prosperity; that now, suddenly casting us down from the height of respect and esteem, they have confined us in the depths of neglect and distress; that is to say, having divided and permanently parcelled out the Bara Mahl, &c. into several distinct mootahs (farms) have committed them to the authority of mean, despicable wretches, who, from father and forefather, till the present time, followed no better profession than that of vending milk, retailing spirits, preparing dried cow-dung for fuel, attending on sheep and oxen, or the service of people of an inferior condition; people, who were formerly obedient to, and dependent on, the families of us inhabitants for support; they, who were then in want of a farthing, immediately that they enjoyed their own free will, became as is the dominion of the sea; and in the excess of vanity and pride, agreeably to this saying, 'the vulgar man when seated on a lofty terrace, pisses and throws rubbish on that which is beneath him,' forgetting the origin and profession of their ancestors in the commencement of their government, stretched forth the hand of force and violence over us, and by constantly making exorbitant demands, insisting on fines, ruining our reputation by abuse towards our wives and daughters, and disgracing us by blows and stripes, have girt their waist with the skirts of obstinacy, in dishonouring and making abject us poor inoffensive people; in so much, that not being able to submit to oppression, and brook disgrace from the hands of those, who, till yesterday, were low-lived scavengers in need of our support, from continued suffering and affliction, our souls have reached our very lips.

"3d. The Company's officers may say, 'Lest any one, cruelly disposed and possessed of power, should act injuriously and tyrannically towards another, we have nominated and appointed to every zillah, gentlemen of the law, to administer justice, (for instance, the court of law in the Bara Mahl is at Salem) who, in the event of a petition, or appeal to them, make proper inquiry into the business." We know this to be true. The gentlemen of the law in every zillah, fairly and without partiality, attend to the complaints of the poor and insulated suppliant; and when a petition is presented at the court of justice, they make inquiry, as soon as possible, into the particulars; and having given their decision in conformity to equity and law, they give admonition to the transgressor, and render to him, whose cause is good, that which is his due; of all this there is no doubt; but what prospect has the needy petitioner of being able to reach the presence of the officers of justice? For example, should the poor husbandman, who pays ten small Madras fanams as a tax on cultivation, unable any longer to submit to be wronged and insulted, go to Salem to the officers of justice, to complain of the oppression of the mootahdar, ten or twelve rupees are requisite for food for the journey, and for the time he may have to remain there; besides which, something is also required to be given for writing the petition; thus, how can he support the burden of so many expences, and whence can he obtain such a sum? In addition to the above, the desolation of his dwelling, impediments for the cultivation of his land, and the starvation of his children, are increased. Again, should any one of known honesty and good credit be able, by borrowing money, to provide what is required for the journey, he comes to the court-house, and there presents his petition. Since hundreds of people daily present themselves to, and press upon, the officers of justice, they enjoy not a moment's leisure; although, first attending to affairs of importance, and arranging them agreeably to priority, they investigate fairly, and decide as is fit and becoming, still the petitioner, unable to afford the expences required for so long a continuance of absence, is obliged, on the approach of distress, to return along with the mootahdar, whose teeth are chattering with rage towards him.

"The mootahdars, without hesitation, tell us, 'We have purchased the country and its inhabitants from the Company, and have unrestrained command over them; so great is our authority, that if we take a liking to any particular person, we can give him as a present, land valued at 150 pagodas; or, if we wish to humble or ruin any one, we have the means effectually of depriving him of his reputation, and plundering him of his property. Neither the lord, judge, or collector, have so much power as this in our mootahs (farms), and over our people, or will they ever have it; what signifies the complaints of wretches like you?' Should the ryot prefer an accusation in a court of justice, the mootahdar construes it into a most serious crime; and, in consequence, an extent of violence and cruelty is the result. Thus to complain against the mootahdar, is, in fact, striving to draw down oppression on your own head. In submitting patiently there is no relief, to lament and bewail is equally unavailing.

"4th. Again, to be constantly stating trifling injuries to the court at Salem, which is five or six days journey from Kistnagherry, and other places, is quite out of the question; for a second loss would arise greater than the first. For example, gentlemen travelling to and from distant parts of the country, frequently pass along on the high road, through these districts. The orders of the collector are issued by the thasseldar for the collecting of, and selling to the travellers, grass, firewood, fowls, eggs, sheep, and other articles, as may be required by them. The thasseldar enjoins the mootahdar to be attentive. The mootahdar by force seizes from the house of each individual ryot, firewood, grass, fowls, eggs, &c. In this manner he collects together, in one place, whole maunds of butter, and fowls, sheep, &c. in great numbers. These he gives out to the gentlemen at a certain price, as they may require them; what remains (and this amounts to a considerable quantity) he sends away to his own house. Thus, for the sake of a little butter, grass, and a few fowls, &c. how can each poor farmer, quitting his house, and the cultivation of his fields, afford to go to Salem, which is at least five or six days journey distant, and requires ten or fifteen rupees for the attendant expences?

"5th. Many of these mootahdars of low descent and connection, destitute even at one period of bread, who, were they to work the whole day together with their wives and children, would, with difficulty, gain a single Madras fanam, thus publicly make mention, 'Should the officers of government, observing the desolation of the country, and the distress of the inhabitants, which has proceeded from our harsh treatment, conceive us to blame, and depriving us of our employment, put us into prison, what harm does that do us? Whatever we now acquire, with or without the consent of the inhabitants, accumulates into a capital sufficient for our sons and daughters; to us also, when confined, they give a double fanam daily, agreeably to the articles of the regulations. So great a degree of indulgence may be estimated as the height of good fortune; besides all this, after we have been kept in confinement a certain time, they will at length release us.'

"6th. The Company's servants possess the most enlightened judgment; their knowledge of what is for the good of the country is as boundless as the ocean; they have, moreover, an acute genius in carrying on affairs of a trifling as well as those of an important nature; what advantage then can they have expected in thus distressing and ruining us poor ryots, by transferring our country from beneath their own immediate authority, in sale to the dominion and management of such low, poor, worthless creatures? If by plundering and oppressing the people, the benefit of the Company is held in view; such a procedure is not only unjust, but is, at the same time, attended with very considerable disadvantage; for example, the total amount of the jummabundy of this system of mootahsazy (delivering the land to the mootahdars) is scarcely equivalent to half of the collection made by colonel Read:—thus, how is it possible for any one to conceive it an advantage? Moreover the poverty and discontent of the ryots, a circumstance highly detrimental to the interests of the Company, is increased: for instance, the rents collected yearly in colonel Read's time on the lands that were watered from the large lake, near the village of Kistnagherry, amounted to seven hundred star pagodas; and now, by the jummabhundy of the mootahdars, they are fixed at 250 pagodas only; in like manner a loss is sustained on every other article of revenue or taxation through the whole province; either the circar should reap advantage from the distress of the inhabitants, or the inhabitants should gain by the loss sustained by the circar in the deficiency of the collections. In short, the system of mootahsazy is not only the fountain of detriment to the state, but of unavoidable ruin to the community.

"7th. Such is the conduct, and such are the measures adopted by these tyrannical mootahdars, that you would say a fresh race of refractory polygars had sprung up, and become established in the centre of the Company's dominions. If by chance, at any future period, in the hopes of raising an insurrection, arrogating to themselves their noble origin, they should be able to collect together a number of vagrant predatory people, by infesting the roads, and committing murders, they will cause the destruction of the inhabitants, and prove a thorn in the feet of travellers; nor will they neglect any opportunity of entering into leagues with the enemies of this permanent empire.

"In the territories also of the polygars of Coongunny, Solegurry, Angusgurry, and especially Baglore, the extent of the misery and sufferance of the people is of that nature, that it cannot be contained in the vase of representation.

"To sum up the whole; owing to the oppression of the mootahdars alone, the ryots and people of every class and description, having cast their effects to the wind, and lost their reputation, have arrived at this state of despair and disaffection; moreover they firmly believe, that, should at any time (may God forbid it) an invasion of the Company's territories take place, it would be a most fortunate event, and the means of their acquiring an asylum and protection.

"The writer of these sheets (who is alone actuated by attachment, good-will, and fidelity) is Meer Gholaum Alley, Meer-iyum, who, during the reign of the deceased Tippoo Sultaun, was honoured by employment, and near attendance on the presence, and exalted by being nominated to the situation of Meer-i-yumey, that is, to the agency, superintendance, and controul of the naval stores at the different sea-ports and islands; of the mercantile warehouses, &c.; as also of all public stores and appurtenances requisite for war, or for the commerce of the country, subject to the deceased monarch; and who, prior to having been thus brought up and instructed in the royal presence, had been ordered by the deceased king to accompany some select and chosen sirdars, who went in the year of Christ, 1788, on an embassy to France, to learn the language of that nation, and acquire general information, agreeably to the orders of his majesty, having gone to France, and been introduced to the French king, his brothers, relations, and nobles, the different ambassadors and officers of state, having made every inquiry into the state of affairs, and acquired a perfect knowledge of the French language, I was again made happy by a return to the presence of my benefactor. In the year of the Hegira, 1210 (A. D. 1795) being a second time appointed to an embassy from Tippoo Sultaun to the king of France, proceeded as far as Mangalore, where he received from the deceased Sultaun an exoneration from this duty, and an order to resume the administration of the duties of my former employment. After the death of the Sultaun, the commiserated, and the taking of his capital and dominions by the victorious generals in the employment of the Company Bahaudar, fourteen star pagodas and nine annahs being granted to me by these gentlemen for my monthly subsistence, I chose the town of Kistnagherry for my place of residence, there to receive the pension granted to me by the British government.

"To conclude, having made myself acquainted with the nature of the affairs of the ryots, and the different occurrences in the district of the Bara Mahl, influenced by a sense of loyalty and devotion to the state, which is at all times painted on the page of my mind, I was emboldened thus to give some account of what has of late transpired. Besides what I have now mentioned, there are also many other circumstances worthy of being made known, of which your well-wisher is acquainted; and which, immediately he may receive intimation so to do, he will hasten to represent to the presence abounding in glory. Whatever may be the wish of that virtue which adorns the world, and the mandate of exalted dignity, it shall be obeyed.

"May the sun of empire, and undiminished prosperity, remain, by the grace of God, clear and resplendent.

"Should there appear to exist in the titles, or in the required offerings of respect and regard, any error or deficiency, I remain hopeful of forgiveness.

"Written on the 4th of the month of Mohurrum ul Herram (or 14th March, 1807, it appears by my inquiry.)
"The petitioner of the well-wisher,
"MEER GHOLAUN ALLY MEERIYUM."

Though this letter is addressed to the governor in council of Madras, I cannot say whether it is upon the public records of that presidency. I know, however, it was sent by a member of that government to the late governor of Bombay, Mr. Duncan, by whom it was given to me, with permission to make any public use of it I might think proper.

But in various other reports on the zemindary settlement, some of which are printed, and now before the House, it is distinctly admitted by many of the most eminent practical servants of the Company, who have witnessed its operation and effects, that the zemindars or mootahdars were no better than contractors or farmers of the public revenue—that the prosperity of India, and condition of the ryots, were not likely to be improved under it—that it was ill adapted to the circumstances of the country—that because the land-tax could not be increased after the settlement, the rate was fixed too high at first—that in order to raise the revenue for government, the mootahdars were authorized to exact the former high rents from the ryots, thereby keeping them as poor as ever—that it armed the mootahdar with the means of oppressing the ryots, from which our courts and officers could not effectually protect them—that whilst it dissatisfied and prolonged the poverty of the lower classes, it gave the zemindars a power to disturb the public tranquillity—and that, on the whole, the system was injurious to the subject, and dangerous to government.

The fact is, that the change was too sudden and too great an innovation on the settled circumstances of society. Benefits were attempted to be suddenly produced by the magic of political contrivance; and instead of founding prosperity, on gradual improvement of the ryots condition, instead of restoring them by degrees to the rank of their forefathers as landholders, for they were the original proprietors of the soil, the regulations created a class of men with a totally new character, which could not easily find its proper level in society, and served only to disturb and confound established relations, and to invade the acknowledged rights of the cultivators. The consequence is, that in thus preferring a hasty attempt at immediate and therefore unattainable advantages to the gradual progress of improvement, the benevolent intentions of the great and noble author of this system have been, as far as I can judge from observation and inquiry, completely frustrated.

I must also observe, that this system, in its operation and effects, has departed from the object and intentions of the honourable court of directors, in whose orders of the 12th April, 1786, for the establishment of the permanent settlement of the Indian revenue, the supreme government is instructed "not to introduce any novel system, or to destroy those rules or maxims of policy, which prevailed in well-regulated periods, of the native governments. A moderate jumma or assessment, regularly and punctually collected, unites the consideration of our interest with the happiness of the natives, and security of the landholders, more rationally than any imperfect collection of an exaggerated jumma, to be enforced with severity and vexation"—adding a further injunction, "that it might be ascertained what were the rights and privileges of the zemindars, and other landholders, under the institutions of the Mogul or Hindoo governments."

From the preceding detail, however, and from the whole tenor of the Fifth Report, I would beg leave to submit to the wisdom and consideration of this House, whether the object of these just and wise orders, either in adherence to ancient rules and maxims of policy, in moderation of jumma, and attention to the happiness of the people, or in a due regard to their rights, has been, or is likely to be accomplished, under the zemindary settlement, in Bengal, or the mootahdary system, introduced on the same principle, under the government of Madras.

Indeed it is but justice to say, that the purely political letters of the court display ability and knowledge in the science of government, and a liberality of principle, from which it is impossible to infer but that the prosperity of India would be materially advanced, if the directors would confine themselves to the exercise of their political functions. It is only where commerce is mixed with their politics that the spirit of monopoly is displayed in their correspondence—but here the same justice compels me to add, that their sovereign interests are but too frequently sacrificed to views of commercial emolument.

The inefficiency of these systems further appears from the circumstance, that they have conciliated no class of the native community; all ranks, we are informed, conceive that the intention of government was to destroy the power of the great zemindars of the country, whilst the ryots feel themselves in no respects better off than they were before: it is also certified to us on record, that the lower classes, so far from having any attachment to government, are ready to join almost any standard to oppose it. Revenue, revenue, is the constant and universal want of government; and so strong is this impression on the minds of the people, that few can believe new regulations or changes to be really intended for the public good, or meant to promote any other object than that of increasing the pecuniary resources of the state.*

It is urged in behalf of the zemindary settlement, that every estate has waste lands attached to it, and that when these are cultivated, the tax, being fixed, will bear but a small proportion to the amount of produce. But in this argument it is forgotten, that there must be an increased demand for that produce, before any augmentation of the ordinary stock can be rendered valuable. And how, let me ask, is this demand to arise among a people of beggars? The fact is, that the lands so annexed have been extensively cultivated. The climate, soil, and institutions of India, are peculiarly favourable to population; but as numbers increase, the country, from its universal poverty, affording little or no means of employment in commerce or manufactures, these people can only support themselves and their families by tillage, and where lands can be had fit for cultivation, without much labour, stock, or capital, they are soon appropriated by an increasing population; and the extent of this description of land forms, in such case, the only limit to the number of inhabitants.

But what is the natural consequence? Human labour in agriculture, as in every other species of manufacture, yields a considerable surplus. The demand for this surplus being once supplied, every further addition only tends to diminish the value of the general stock. A zemindar's waste lands may thus be cultivated to the fullest extent, and yet the exchangeable value of the surplus produce not be proportionally increased. By surplus I mean all that portion of produce, which the ryot does not reserve for his own consumption and for seed, and which may be considered as for sale in the market, to enable him to pay his tax to government, and the zemindar's rent. If only the quantity, not the exchangeable value, of the whole be increased, owing to a stationary demand, and the unvarying poverty of the inhabitants, the larger quantity will yield to the proprietor in amount, at a reduced price, the same return as the smaller quantity did before, and neither party concerned in the produce will be benefited by the increase: however obvious this is as a general principle, it may be more evident from recurrence to events; and the experience of Bengal leads directly to the establishment of this truth. With an increased but poor population, and consequently extended cultivation, it is proved by official reports on its commerce (before the House) "that the price of rice, and of every other kind of food used by the natives, so far from being enhanced, has been considerably lower on the average of the last ten years, than during any preceding period since the Company came into possession of the Dewannee."*

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* See sir Henry Strachey's Letter in Fifth Report, p. 525 to 543.

From these causes two evils proceed. The price of food is so low, as to reduce both the value and the rent of landed property; and a superabundant population, coupled with the low price of provisions, keeps down the wages of labour to about *3d.* per diem.

This is the state of the people in many parts of Bengal, and this must be the case wherever the zemindary settlement is introduced, or the tax of half produce is levied, without such an effectual change in the commercial relations of the country as I am about to recommend. We are told in the evidence before the House, that the people of India are poor, because the price of labour is low, and because food is cheap; but the cause is mistaken for the effect. Food and labour are below their natural value, because the people are poor, and numerous, and want proper employment; hence a boasted increasing population, far from adding to the stock of national wealth, only serves to fill up the measure of human wretchedness and distress.

Hence also the increase of crimes and immorality noticed in some of the ablest papers attached to the Fifth Report, and particularly of decoity, the great scourge of our fairest provinces. The hordes of gang robbers, known in India under the name of Decoits, are recruited from an unemployed people; their acts of violence and cruelty are not only most frequent, but of the blackest dye; "the commission of robberies, murders, and the most atrocious cruelties, in a word an aggregate of the most atrocious crimes," are mentioned by the governor general in council, in his letter to the court of directors, dated 29th May, 1810, as established beyond a question by a multiplicity of proofs; and it is added, "Nor let it be supposed that these offences were of rare occurrence, or confined to particular districts, they were committed with few exceptions, and with slight modifications of atrocity, in every part of Bengal." These depredators set at defiance (and will necessarily continue to do so, in the present state of things) every effort of government to suppress or restrain them. Police regulations may be multiplied, and each be more plausible than the other in promised efficiency; but it is a case, which I apprehend to be beyond the reach of remedy, by any restrictive law. The evil is inseparable from the present organization of society; a case, in fact, where additional legal severities only add to the cruelty and ferocity of those, whose necessities impel them to prey on the public. Mitigate, on the contrary, the rigour of your existing civil institutions; open wide the gates of honest industry; revive in the breast of a desponding people hopes, long unknown to them, of protection in gathering, and security in enjoying, the fruits of labour; and instead of absorbing the wealth of the country in an inordinate land-tax, let it circulate through the numerous channels of an extensive population, to create new demands for the employment of the native, and the encouragement of trade, foreign and internal; then, but I fear not till then, may we put an end to the outrages of the decoit.

These, Sir, are the defects of the zemindary and mootahdary settlements. The condition of the ryot, indeed, under all the revenue systems lately adopted in India, is nearly the same, and from the same cause of excessive taxation, as under the former regime, except in some few districts, where, through the humanity, and I may add, wisdom of the European collectors, the rates of the land tax have been somewhat reduced.

It is with pleasure I add, that many instances have occurred in India, where, in spite of the heavy pressure of the land-tax, moderation and forbearance on the part of collectors have called forth the gratitude and esteem of the natives. It would have been well for India, had the natural wishes and dispositions of these humane persons been allowed a wider range; but, unfortunately, the thirst after revenue has ever been insatiable, and must, of necessity, be supplied. In this respect, it is important to consider the printed accounts presented to both Houses of Parliament and to the public, which represent the increasing prosperity of India in general, and also of particular districts. In most, if not all, increase of revenue is adduced as the main proof; and even the best and the most considerate of our collectors are constantly obliged to refer to this test, well knowing it to be the most acceptable and impressive evidence of their own merits. But if we compare the alleged increase of revenue with the sources from whence it is drawn, we shall not so hastily admit their conclusion. In as far as it is a share of the improved or extended cultivation, it may prove an increase in the numbers, though not in the wealth, of the people; or that the forbearing conduct of a collector has encouraged fresh cultivation, although a lion's portion still goes into the coffers of the state; or, it may prove, that his vigilance and activity have detected lands, which, from fraud or ignorance, were not before subjected to the tax; but in neither of these points of view is it, with respect to India, a proof of that increased prosperity, which in other countries augments the public revenue, through the very different medium of the consumption, and expenditure of the opulent classes of society.

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* See Report on the External Commerce of Bengal, dated 10th Sept. 1800, in the Papers ordered by the House of Commons to be printed.

There is a very remarkable instance in the papers now before the House, of the revenues of an Indian district, being increased in eight years from 10 to 18 lacs of star pagodas. This is principally to be ascribed to the discernment and vigilance of a distinguished collector, and was chiefly accomplished by his reducing the government demand or land-tax, from 45 or 50 to about 33 or 34 per cent. of the gross produce; and though this district will doubtless admit of a very favourable comparison with almost any other in the same country, it must still be recollected, that this tax followed every improvement or extension of its cultivation, and that a direct participation by government, to this extent, in the profits of agricultural industry, is still too high for the promotion of general prosperity.

This example, however, shows what may be effected by a reduction of the present rate of the land-tax; but until such a reduction takes place generally, I humbly ask, whether any rational hope is presented to us, of increased prosperity in India? In the present state of things, I firmly believe there is none; and as such, I trust the condition of this interesting people, and the institutions by which they are governed, will be found to deserve the attention of parliament.

If I have enlarged on this topic, it is with a view to excite some attention to it, as a separate and distinct object of consideration; as one, indeed, to which we are summoned, by the sacred calls of justice, as well as by the more interested views of commercial policy.

On the general contest of parties which has of late been displayed in this metropolis, all eager to partake of, or to appropriate, the benefits of an intercourse with India, shall we, Sir, forget the inhabitants of the country itself? Every other party in this great cause has its advocates, and the ablest advocates, to assert their respective claims; but in behalf of the poor neglected Indian, how few have yet been found to raise their voice? And if I step forward to assert a cause which others are indisposed to undertake, I do it, in confidence that a British House of Commons will, at least, receive the appeal with indulgence; and that however unequal my humble efforts may be to the arduous task, they will not be allowed to diminish the interest which the case itself is so naturally calculated to excite, and which calls so loudly upon the humanity and justice of the country.

But to descend from these higher and most serious considerations to those of less real interest and more limited operation in the resolutions now before the committee, I must also add, that it is for these reasons I chiefly regret they should contain so many restraints on private trade. A perfectly free trade to and from India would still do much; the capital that would be drawn thither; the expenditure and increased industry which would accompany its circulation; the consequent effectual demand for the products of the country; a far more liberal encouragement than now exists to export its raw materials to this country to advantage, would enhance the value of Indian estates, and insure the cultivation of the wastes, by opening new channels for the disposal of their produce:

these, Sir, are the advantages which I should anticipate from the natural course of commercial freedom; and I fear there is no prospect of any palliation of the evils I have described, till the trade be rendered perfectly free; till the East India Company withdraw from a course, which nothing but antiquated prejudices could make them think profitable; which is, in fact, attended with ruinous losses to themselves; and which distracts their attention and views from the greater objects, it is now their duty, as much as it is their interest to pursue.

If they persevere in the trade, it is no reproach to the individuals who conduct it to say, that the benefits anticipated never can be realized, for the bar to their attainment lies in the system itself. Every merchant is a monopolist at heart; but when every merchant is on an equal footing, the same principle pervading every breast neutralizes by its natural operation the prejudicial influence of a love of gain, and produces through the mass of society common benefits. But when a merchant is raised by exclusive power above his equals, that power is sure to be abused; it cannot, in the nature of things, be otherwise; and this, as far as my experience goes, has invariably been the consequence of the Company's interference in the trade of India. Where the market is exclusively in their own hands, prices are arbitrarily kept down, to the prejudice of production. Where the market is open, their agents enter it as competitors, who must, at all events, be served, and prices are raised, to the prejudice of consumption. Articles of raw produce in India, have, by this unequal competition, been doubled in their prime cost, at which rate they cannot profitably be imported into England, though it can be shown they would be at the natural price of the commodity.

I therefore repeat it, Sir, it is only by a free and unshackled trade, that India can now be materially benefited. The demands of such a trade would give a value to the produce of estates, which, in my humble opinion, it cannot otherwise acquire. Cultivation would then be extended, as an object of gain, not merely for the purpose of supplying bare subsistence to a poor and miserable population; the exchangeable value of produce would be raised by a new and effectual demand, instead of sinking by greater additions to an over abundant supply; and the advantages anticipated from the annexation of waste lands to every zemindary would then be felt; for then the present overwhelming land-tax would be diminished in its pressure and amount, in proportion to the increased value of the gross produce from every estate.

Much more, Sir, than the imperfect statements I have brought forward might be urged, were this the time to enlarge on so fruitful a theme; but I feel that I have too long trespassed on the indulgence of the committee, and shall therefore only concisely submit to their consideration the state of this interesting people in one other point. I have already explained how the established customs of these people, as to early marriages, and the ease with which they procure food, favour the increase of population: as matters now stand in India, all the deplorable evils of redundancy are absolutely inevitable; I would therefore humbly entreat the attention of the committee to this view of the question, as constituting another urgent claim on the philanthropy which distinguishes this enlightened age, and characterizes many of the public acts of the British government. Let us calmly weigh the domestic customs which admit of no change, and which are of too tender and consolatory a nature even to justify our regrets; let us weigh these, Sir, with the political institutions and restraints I have described, and perhaps the conviction of my own mind may be impressed on every friend of humanity, that for the dire evil of redundant population, which is a pregnant source of mischiefs and wretchedness to our Indian subjects, there is no remedy nor palliation, but in the multiplied demands and various employments which perfectly free trade would create.

Need I appeal to the modern state of the finest countries in Europe and Africa, as well as in Asia? or to disorders nearer the seat of British refinement, in a sister kingdom? Facility of procuring food, such as the wretched peasantry are obliged to content themselves with, increases numbers faster than the means of honest and profitable employment; thus in Ireland, as in India, a redundant population endures the complicated evils of want, ignorance, and depravity.

I would wish to consider the resolutions before us as one step towards the attainment of these benefits; they open a fresh prospect to our view, and as such are entitled to our support. But the continuance of the Company's trade for twenty years longer, appears to me an insurmountable obstruction to the improvement which I anticipate. There may be other serious objections to so long a period; but this is among the weightiest, and I should therefore hope that this part of the resolutions may yet be modified.

I express this wish the more fervently, in order that the natives of India may not feel (as they otherwise would, though in silence) that their interests, which ought to have been a primary consideration, have been totally neglected. Their sagacity will lead them attentively to watch our present proceedings, and let us beware that we give them no just cause for reproach. Let them know that they have been thought of on this great occasion; and when they perceive the justice of our legislation, in its effects rather than in professions and proclamations, which they have learned to disregard from seeing them rarely fulfilled, we may then look with confidence to their fidelity, attachment, and gratitude.

As to what is said of the India trade being incapable of increase, the assertion is completely refuted by the Reports* of Indian commerce. It has increased, and very considerably too, since the admission into it of the American and British private traders. The fact is fully proved; and it is a fair inference, that further freedom would occasion a still further extension of commercial intercourse, and its consequent advantages.

The other position, generally coupled with the preceding, that the wants of the native Indians are fixed and unchangeable, is much of the same stamp; but the antiquated prejudice, which asserts or believes it, is in my opinion more absurd than the Hindoo prejudices themselves, which it is meant to expose. Why search for doubtful causes, when there are obvious ones before us, for the continuance of which ourselves are answerable, and which it only rests with a British legislature to remove? What we conceive to be fixed or stationary in their habits and wants, may be more strictly ascribed to the despotism of their governors, and their own confirmed poverty; these are causes which would produce the same effects in every other people.

Adherence to native customs, and obstinacy in superstition, which are said to elude the hand of innovation, and to defy the spirit of improvement, are not exclusively peculiar, if in a more than ordinary degree imputable, to the Hindoo character; less obscure causes, whose agency is obtrusively discernible, in arbitrary civil institutions and oppressive fiscal regulations, produce inveteracy of habit, and languid indifference, or settled aversion to change and improvements, in India, just as the same tremendous causes have operated the moral and intellectual debasement of Egypt, Palestine, and Greece: it is the common fate of all countries under Mahommedan subjugation.

In speaking of the Hindoos, particularly in this country, something mysterious is always fancied to belong to them, as if they were not composed of flesh and blood, nor had passions and desires, as the rest of the human species. Now, Sir, of all the Indians I have ever seen, none were deficient in the ordinary sensibilities of our nature, none indisposed to the enjoyments and comforts of life, when they had but the means of obtaining them. Their wants might not be precisely the same as those of Europeans; but if their circumstances allowed it, they would have new wants, which European capital, skill, and industry could best supply; and the various productions now raised, or capable of being raised, in their own country, which they would have to interchange with us, would afford means and commodities for trade, which, if free, might be carried to an indefinite extent, with incalculable advantage to Britain as well as to India.

But, Sir, it is only the most complete freedom of trade, that can now effectually promote the prosperity of our Asiatic possessions, or that will ever enable us to apply a corrective to those evils in our revenue institutions, which, by a premature decision, we have decreed to be perpetual.

It was my intention to have added a few remarks on the subject of the Company's accounts, lately brought before parliament and the public; but I feel that I have already too long trespassed on the time of the committee, to enter into further details at present. It is, however, of great importance, as well to the Company's own interests, as to the public, that these accounts should be clearly and distinctly understood; and I shall therefore claim your indulgence to offer my opinion on them on a future night; because, if my view of their result be correct, it will afford another strong ground of objection to the extension of the Company's privileges for so long a period as is proposed. Reserving, therefore, what I have to add on this head, I shall only trouble the committee with one more short remark.

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* See Reports on External Commerce in India, ordered by the House of Commons to be printed, 30th April, 1813.

Misrepresentation of the motives of public conduct is no new occurrence; and with the consciousness of uprightness which I feel within my own breast, any thing that may be said of my motives, on this occasion, will certainly give me no uneasiness.

I could wish it only to be remembered, that the sentiments I have expressed are neither new, nor adopted for the present occasion, nor dictated by hostility towards the East India Company. Those who know me will bear witness, that they have been the firm and constant impressions of my mind, ever since I was able to make satisfactory inquiry, and procure authentic information, on the subject, as the public records of the East India Company will also attest. Nothing but a sincere conviction of their truth, and an ardent hope of their resulting, sooner or later, in some degree of public good, could have induced me to submit them to the judgment of this honourable House.

Before I sit down, I must apologize, Sir, for introducing any thing relating to myself. I have only offered this short explanation, lest misrepresentation, by ascribing motives to my arguments and opinions, which have never influenced them, might thereby injure a cause which I have it so much at heart to promote.

Speech of the 14*th of June* 1813.

(*See Vol.* 26, *p.* 634.)

Mr. *Rickards* said:

Mr. Speaker;—When I had last the honour of addressing this House, I endeavoured to explain certain reasons, which operated with peculiar force on my mind, in favour of a free trade between India and England, as the only apparent remedy for a most important evil in our civil institutions abroad, and as the means of realizing to the inhabitants of India those blessings, it was the object of the zemindary settlement to confer.

Some objections have been made to my view of the case, but none that in the least weaken the facts adduced as to the enormity of the Indian land tax, and its paralyzing local effects. These are certain, and recorded: supported by a variety of official documents, and by the concurring testimony of many high authorities now in England. One honourable member indeed (Mr. Thornton) produced, the other night, an extract from the Fifth Report, avowedly to shew that my impressions were erroneous; yet one of the passages in that very extract, as the House will no doubt recollect, expressly stated, that under the system alluded to, no ryot could get rich by means of his industry.

Now, Sir, if the hon. gentleman's object had been to produce authority in support, rather than in refutation, of my position, nothing more appropriate could have been selected; for this is the point, and the only point in the zemindary settlement, I then insisted on. It is precisely this confirmed poverty of the people, this inability to get rich, that I regard as the great evil of that system; and for which I see no remedy, (since the rate of tax is decreed to be unalterable,) except through the medium of a free trade; the demands of which would, in the manner I then described, give an additional value to landed produce, so as to diminish the relative amount of the tax, and leave to the zemindar something more than the miserble pittance he now gets as the net rent of his estate.

Various other extracts might be made from the Fifth Report, equally illustrative of the facts adduced; but I forbear to trouble the House with them, as the Report is on the table. All I hope is, that the Report itself may be now more generally read; for, however voluminous, it contains a number of most interesting documents, and such as, I am satisfied, will be found fully to confirm all the opinions I have so long held on this important subject. It will be there seen, that in Bengal for example, (to say nothing of the other parts of India) the ancient fabric of society, with its natural ties, and influences, and authorities, has been shaken; the most ancient and respectable families, the natural bonds of society in all countries, neglected and impoverished; themselves, and their descendants, confounded with the mass of the people; and this mass of the people, (the point to which I chiefly adverted) to use the words of an official document attached to the Fifth Report, "just what their fathers were—acquiring by labour what is barely necessary for their existence—and unable, by dint either of parsimony or of industry, to become rich."

I do not say that other parts of our civil institutions in India are equally defective, nor that some of them are not good; whilst nothing can be further from my design than to question, in respect to any of these institutions, the merit of intending to promote the public advantage; but, admitting this intention to have been accomplished—admitting our institutions to be generally sound—is this a sufficient plea, when partial disorder manifests itself, to reject the consideration of a remedy? It has been, however, objected to my notice of a serious and ascertained evil, that the general principles of the system were good; adding, at the same time, in apology for admitted errors, that perfection was not to be expected in any human institution; but this is an argument entirely favourable, rather than adverse, to the line I have adopted. If defects are inevitable, it is no reflection either on the authors or ministers of any political system, to point them out for palliation, or remedy, as soon as they are discovered; and if this be performed in the spirit of truth, and not from a love of censure or of slander, some at least, I should hope, of my present hearers will be disposed to think it, not only justifiable, but useful. To object to the exposure of defects, is to shut the door against improvement: and to exaggerate, as has been often done, the governing system of India, as fraught with every excellence, is to check inquiry into those means of improvement, which the principle of this objection admits to be requisite in every institution of man.

In very many of the accounts which are given to us respecting India, it is necessary to proceed with a certain guard upon our judgments. It must be remembered, that they are our own accounts of our own acts, and cannot therefore be expected to be always free from those partialities, which the *esprit de corps* has an invariable tendency to create. Justice, moderation, peace, and security, are ever proclaimed to be the object of our government in India—and a general consciousness, that such is really and honestly intended, leads many to believe, that such really have been its practical effects. In no documents, indeed, more than in those now on the table of the House, do we find this spirit, mixed with a great deal of sound reasoning and authentic matter.

I would, on no account, however, have it conceived, that I mean to throw any imputation on the public servants in India. In speaking of them, I of course exclude myself: an honourable director has already been pleased to inform the House of my unworthiness, at least in his estimation. Always, therefore, excepting myself, I hope I may be allowed, with perfect propriety, to say that India exhibits as able, and as honourable, a set of public servants as any country upon earth. Some of these have appeared at the bar of this House, and received the deserved encomium of my right honourable and eloquent friend on the bench below. Others may be judged of from their writings, many of which are now before the public: and it is impossible not to be struck with the intelligence they display, and the eminent qualifications of their authors, for the discharge of the great trusts reposed in them. But, Sir, with such men to administer the government of India—with a soil, climate, and population, highly favourable to prosperity—is it not wonderful that every thing should appear stationary? Nay, is it not more wonderful that prosperity should not rapidly advance?—and that the mass of the people should now be described by some of their most eminent and distinguished rulers, to be actually unable to grow rich, either by industry or by parsimony? For my own part I cannot conceive a stronger argument than this is to prove, that our institutions in India contain some radical defect, of power sufficient to counteract the zeal and humanity of the most meritorious functionaries.

The radical defect I take to be the exorbitancy of the Indian land-tax; and whilst this continues to bear upon the great mass of society with its present weight, my own conviction is, that the benefits intended to be communicated to the natives will never reach them.

Free commerce being the only medium through which, in my opinion, any amelioration of their condition is likely to be obtained, I expressed, on a former occasion, my anxious wish that, in the enactments now about to take place, there might be as few restraints as possible on the private trade, and that the East India Company would withdraw from what is attended with loss to their commercial, and prejudice to their sovereign, interests:

in this latter respect I trust to make it appear, I consulted the real benefit of the Company: to promote it, in the most effectual manner possible, has long been an object of my solicitude and inquiry; it has not only been my wish, but my duty—but, in the prosecution of this duty, I have thought it incumbent on me, as an honest servant, always to give a fair view of the Company's affairs, neither magnifying advantages on the one hand, nor concealing real injury and loss on the other.

I was first led to a knowledge of their commercial losses, by the share I had in the administration of their affairs on the western side of India. Some of these I shall briefly notice, as connected with the object of the 7th Resolution now before us—or the proposed complete separation of the Company's commercial, from their political, accounts.

The first thing deserving of notice is the item in the Company's accounts, called "Commercial Charges."

Upon looking into the books of the commercial factories, including the forest conservator's books, subordinate to the presidency of Bombay, and the books of the warehouse department at the same presidency, I found they contained two distinct sets of charges—the one classed under the head of "Charges on Merchandize," the other under that of "Commercial Charges." The former are admitted into the invoices of the Company's trade—the latter always and wholly excluded. The "Commercial Charges," are already explained in the Third Report, to consist chiefly of the expence of servants and establishments attached to the Company's commercial department; and are, therefore, obviously charges on their trade—and though in the accounts lately laid before parliament, an item is included for "Commercial Charges," yet it is clear, from this arrangement, that all the more partial statements, given on record, of particular branches of the trade, and taken from invoices alone, must be erroneous, and the profit, calculated in such statements, purely ideal.

But besides these "Commercial Charges," I found various others dispersed through these subordinate books, purely of a commercial nature, and carried to no particular or general head. Such as

Warehouse stores.

Dead stock.

Interest on balances due for investment, and on monies borrowed for investment, when none was procurable from the public treasury.

Loss by remittance of dollars and specie.

Ditto by cotton thrown overboard—damaged—or outstanding, irrecoverable.

Ditto by transporting pepper.

Contingent expences of weavers establishments.

Factory repairs, &c.

The denomination of these charges is of itself sufficient to prove their commercial nature; yet in no statement, which has yet been given of the Company's trade, do these appear. They must consequently therefore attach to the political head; and have hitherto been allowed, improperly and even unjustly, to swell out this branch of the Company's accounts.

When in Bombay, I framed from the subordinate books before referred to a general statement, in which I classed or rather added to the head of "Commercial Charges," all the dispersed charges above enumerated, so as to comprize the whole in one column. This account shews the whole of these charges for ten years, or from 1800-1 to 1809-10, to amount to 368,763*l.*; whereas, in Appendix 12, of the Third Report, the sum total of Bombay commercial charges for 17 years is only 225,862*l.* It is hence clear, that the item of "Commercial Charges" lately brought forward in the Company's accounts, laid before parliament, does not include all the charges of a commercial nature incurred by the Company, over and above those inserted in the invoices.

Whilst preparing this statement from the subordinate books, I got from the accountant-general's office an account of "Commercial Charges," framed in that department, as I presume, from the general books. This is probably confined to the head of "Commercial Charges" in those books, and does not include the various dispersed charges which I have, as above stated, classed under that head. On comparing this, however, with Appendix 12, of Third Report for the same years in each, I find the charges in every year considerably to exceed those given in the Report. It is therefore confirmed to us, that the item of "Commercial Charges" in the Report in question, is considerably under-rated, and that a mass of other charges incurred by the Company, and purely of a commercial nature, are, owing to the manner in which their accounts are kept, wholly excluded from the commercial, and must therefore necessarily attach to the political head.

In my examination of these books, I took occasion to inspect their profit and loss accounts, and found an invariable loss to have been incurred, not only at the presidency, but at each of the subordinate factories; in other words, an uniform loss on every branch of the Company's Indian trade, subject to the presidency of Bombay. The amount thus exhibited for 10 years is 361,490*l.* sterling, and is exclusive of bad debts and goods lost at subordinates, which were not written off when this account was framed. Neither of the losses thus sustained are included in any of the accounts of the Company's trade lately laid before parliament, with the exception only of what is comprised within the item of "Commercial Charges;" and these, as I have already shown, are much underrated.

From the books of the warehouse department at Bombay, I also extracted, with great labour, an account of the receipts, sales and issues, of the Company's woollens and metals for nineteen years, or from 1792-3 to 1810-11 inclusive, in reference to the trade between England and India; and on mercantile principles it also proves a loss to the extent of one million sterling.

A set of statements of which I am possessed, exhibit also serious loss and great injury, as resulting from the Company's cotton trade from Bombay to China; but those which I have taken the liberty of submitting to the House, will probably be sufficient to show the necessity of a stricter examination into the state and result of the Company's trade than has yet taken place; and to prove how indispensable it is, that certain prescribed and definite rules should be laid down, for the entire separation of the Company's accounts, without which the object of the Seventh Resolution will never be fully answered, nor will the accounts prepared under it ever give a true and correct view of the result of the Company's trade.

On my late return to England, I found a general view of the Company's commercial concerns had been laid before parliament, in the Third and Fourth Reports of the Select Committee. Feeling a deep interest in the subject, I examined these with all the care and attention I was capable of devoting to them; and the statements I am now about to submit to the House, contain the result of my examination. The great intricacy and difficulty of these accounts are frequently adverted to by the committee itself. They have been equally felt by every person who has attempted to scrutinize them. Many have abandoned the attempt in despair; and others satisfied themselves with the belief of their being quite incomprehensible. I do not, however, advert to these circumstances for any purpose of claiming merit to myself, but merely to express a hope, that they may be allowed to excuse any trivial errors committed in the arduous task I thus presumed to undertake.

[An examination of the most important documents in the Third and Fourth Reports of the committee, was then submitted to the House by Mr. Rickards. It may suffice, here to say, that the result of the review, confined entirely to the official Reports on the table, proved the Company's trade to have been attended with heavy loss, and to have been the great cause of the increase of debt at home and abroad; that this increase, therefore, is erroneously ascribed to political expences, for the defraying of all of which within the period there was adequate revenue from the territorial possessions; that the home dividend could not have been paid in any one year without the aid of loans:—in short, that the continued union of the political and commercial character of the East India Company, can only be attended with further loss to themselves, and greater injury to the public.]

Mr. Rickards then proceeded as follows:

Without an entire separation of the commercial from the political character of the Company, I repeat, from experience and the fullest conviction of the truth, that the good government, so much wanted in India, and which the court of directors is so well qualified to give it, never will be felt in that country, nor will the commercial intercourse with this ever be extended as much as it might and ought to be. The advocates of the Company in this country assert, that their sovereign power is not exercised to favour their trade there; but this is a complete fallacy, which none but the most uninformed, or the most prejudiced, can believe; if this were true, it would prove the East India Company and their servants to be a different race of beings from the rest of their species; but their own records fully and abundantly contradict the assertion.

It is alleged, that in Bengal every thing goes on smoothly, and the regulations are appealed to, in proof of the most rigid attention being paid to the interests and security of the weavers, and of the community generally; but let us look at these regulations. A commercial resident, with a large establishment of servants under him, some of them intended for coercive purposes, is placed at the head of every factory of weavers, by whom (as we have been emphatically and truly told, by one of the highest and most distinguished Indian authorities*) the intimation of a wish from a superior is received as a command. This alone would give the commercial resident an influence over the weavers, with which a private merchant would be quite unable to contend, whenever that influence, from whatever cause, might be turned against him; and in the rivalry and competition of trade, innumerable instances must occur to occasion it; but from the general poverty and distresses of these manufacturers, they are always ready to receive advances of cash from the commercial resident; and they are then, by the regulations, bound to work exclusively for the Company. When the goods of any particular factory are not, as is sometimes the case, required for the Company's investment, the resident is allowed to employ the weavers on his own private account. On these occasions, his official situation enables him to monopolize their labour and its produce.

From the influence, therefore, of the resident on one hand, and the pecuniary wants of the manufacturers on the other, it is quite clear that they may be, whenever it is desired, kept in perpetual bondage to the Company's service; and when we thus see the industry of the country subject to the entire direction of the ruling authority, supported for the most part, and often irregularly, by advances from the public revenues, and all competition, the soul and essence of commerce, far removed from this delicate and feeble fabric, as if its very touch were ruin; who but the most prejudiced can possibly see or expect prosperity under such a system? It is really subversive of every principle, on which both experience and theory would teach us to found any rational hope of public good. Yet these are the regulations, and this the system, to which we are triumphantly referred, for all that is excellent and right in civil government! It is true, that a controul over the acts of the resident is vested by law in the judge of the district; but this is more nominal than real; for the natural operation of the system will often defeat or evade the controul of the law; and how often, I would ask, is that law likely to be appealed to by a people accustomed, as we are informed, to regard the wishes of their immediate superior as imperative commands.*

In my lord Wellesley's celebrated letter, dated July 1804, and published in this country in 1812, the case under the Madras government appears to have been still worse; for there no private merchant could provide himself with goods, except through the agency of the Company's officers. The main and avowed object of the system there, being, as my lord Wellesley observes, an exclusive appropriation of the labour of the weavers, and the establishment of a controul over that labour, in order to enable the commercial officers to obtain the proportion of the

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* Marquis Wellesley.

* The following extract of a letter from a commercial house in Calcutta, to their correspondents in Bombay, dated 14th Nov. 1808, shows the restraints to which the internal trade and manufactures of Bengal are liable, from the Company and their servants, under the operation of these boasted regulations:

"The Company have now prohibited their commercial residents from making any silk on their own account, which is a sad disappointment, as we had made engagements for a considerable quantity, and they (the residents) have it in their power to provide it under more favourable circumstances than any individuals. The price has risen very considerably; the same silk we got two years ago for 8½ we shall pay 10 for. When the first orders were received, the residents engaged all the private filatures for the Company, so that very little can be made, and what is made by natives, (that is, independent of the resident,) is little to be depended on."

In Nos. 8 and 10 of the Appendix, will be found other letters, from Bengal itself, to show that the private merchants in that quarter have very different notions from the advocates of the Company's trade, in respect to the wisdom of their commercial regulations, the justice of their speculations, or the benefits of their interference, goods required for the Company, at prices to be regulated by the officers themselves.

Though my lord Wellesley ordered this system to be changed, and the Bengal system to be adopted at Madras, yet I have been informed by persons of the highest respectability lately returned from the latter presidency, that no change has taken place for the better; that the spirit, though not the letter, of the former system continues to operate; and that the industry of the country is still fettered by impolitic and vexatious restraints.

In Bengal the operation of the system may be somewhat milder; but it is there founded on the most erroneous principle; and must there, as in every other part of India, present an effectual obstruction to the progress of improvement.

In Bombay and the countries and factories subordinate to it, my own personal knowledge of the fact enables me to state, that not only the influence of power, but absolute coercion, are constantly used to procure goods, and often at inadequate prices, for the Company's several investments. The official commercial diary of our principal factory, Surat, is full of instances in proof: yet the regulations for this factory are taken from the Bengal Code, with no other variation than what is necessary to adapt them to local circumstances. To say, therefore, that no power is, nor can be, unduly exercised under the operation of these regulations to favour the Company's trade, is quite idle; for we have a flat contradiction in practice of the assertion, not arising from casual or insulated occurrences, but exemplifying, in an uninterrupted series of facts, the natural and even necessary consequences of the system itself; and if this exercise of power is less frequent or less arbitrary in Bengal, it can only be because the people are more abject, or situated as the weavers mostly are in the interior of the country, their means of communication with the enterprising private merchants of the principal sea-ports are more restrained, and they have therefore fewer temptations to evade, or are under a stronger necessity to comply with, the demands of the commercial resident. But under the same circumstances as those detailed in the Surat Diary, and which the fluctuating demands of trade are not only likely, but ought properly, to produce, the same effects would certainly be experienced every where.

Formerly the trade of Surat was flourishing; it is now fallen into great decay. But when private merchants resorted to it for the purchase of piece goods, and the Company at the same time provided a considerable investment of these articles, the commercial resident was restricted to prices considerably lower than those of the market. There were at this time two descriptions of goods provided,—standard, and inferior,—and private merchants, it appeared, could afford to give a higher price for the inferior goods, than the Company allowed for the standard. The weavers had therefore a manifest interest in selling to the private merchant, and evading the demands of the Company; and the scenes of vexation, coercion, and punishment which ensued, were incessant. That part of the Diary which I had occasion once to examine, or from 1796 to 1810, is so full of instances of oppression and injustice, as would stagger any one to account for, in the conduct of otherwise good and honourable men, were they not easily traced to the system itself, and its necessary and inevitable influence on those who are employed to carry it into effect. During the time of the nabob's government of Surat, his authority was recurred to in cases where coercion was necessary. Though he had a manifest interest in favouring the private trade, which was exported through his own custom-house, and paid duties, (the Company's trade paying none to him) he was nevertheless persuaded, or intimidated, to issue a proclamation, requiring the manufacturers to sell piece goods to none but the Company's agents. This proclamation was some time afterwards disapproved by the Bombay government, yet the spirit and principle of it were invariably acted upon. Peons were placed with the weavers to prevent their dealing with private agents, who were always ready to give them better prices than the Company; but every bargain of this description was, in the language of the Diary, called tampering with the Company's weavers; and, on this plea, we find several weavers, and private agents, apprehended, fined, and punished.

At one time the weavers refusing to work for the Company, and threatening to quit the town, orders were given at the gates to prevent any manufacturer from passing. At other times a particular class of weavers paid upwards of 8,000 rupees in fines, in three years, to be excused working for the Company, and to be allowed to sell their goods in peace to others.

Weavers, who had enlisted in the Sepoy corps, to avoid this oppression, were discovered, claimed of the commanding officers, and returned by force to their looms.

When our government displaced that of the nabob at Surat, a similar degree of coercion was still continued even under the authority of the Adawlut; for the commercial resident repeatedly declared, that there were no other means of providing the Company's investment, at the rates prescribed.

I have already observed how easy it is, in most cases, to get the weavers to receive advances of cash. They are then bound by engagements to the Company; and the court of justice, on application, enforces the contract. Many weavers, failing in these engagements, have been confined, and are known to have died in gaol. The weavers have also been known to refuse the commercial resident's advances, and the judge of Surat has been ordered, by the Bombay government, to use his influence to get the weavers to receive them. I remember another remarkable expedient to prevent weavers selling inferior goods to the private merchants: this was an order by the Bombay government to appoint a police officer to examine the weavers' looms daily, and with authority to confiscate, at once, all the cloths that were not found to be of standard quality, or that required for the Company's investment.

There are papers also on the table of this House, to show how the Company carry on their cotton trade in Guzerat. They have a strict monopoly in the district of Broach, in that province. All the cotton is taken from the ryot at a price below that of the surrounding market: it is, indeed, taken from him at a price, in the fixing of which he has no voice; but which is settled by the Company's servants, consequently by the buyers alone of the commodity. Every inducement is therefore given to the ryots to smuggle their cotton out of the district; they have frequently attempted it; and peons, and even military force, (a party of cavalry on one occasion) have been employed to prevent it, and to enforce this unjust demand of the government.

Since the Company have thus entered into the cotton trade, the authority of the judge of the district is, through his peons, exercised to secure all the cotton cleaners, the porters and carts for transporting cotton, the screws for packing it, and the boats for conveying it to Bombay. Numerous complaints have been made, that none of these conveniences could be got by private merchants, till the Company was first served; by which several sustained great injury, and the disappointment of losing the season for conveying cotton to Bombay, and being obliged to warehouse it to the northward, during the rainy or boisterous monsoon, when no boats can put to sea.

In the year 1806, the Company, it seems, only took two-thirds of the produce; but the ryots and others were restrained from selling the remainder, till the whole of the Company's cotton was first cleaned and delivered, in the manner before described. The season in the mean time drew to a close; no private merchant would then buy, from inability to convey it to Bombay, and the cotton remained on the hands of the ryots with very great loss. The ryots represented the hardships they sustained; but it was no otherwise redressed, than by a recommendation from the commercial resident to the Bombay government, that in future not merely two-thirds, but the whole produce of the country, should be required, at the reduced price fixed by the Company's servants.

Several petitions are also found on record from the cotton cleaners, as to the inadequate rates at which they were paid for their labour. Though the commercial resident admitted, in 1809, that they could get higher rates in the neighbouring district, I never could find that this just cause for complaint was ever properly redressed.

Besides the quantity of cotton thus monopolized in their own district of Broach, the Company require further supplies for their China trade. By withdrawing this considerable quantity in the first instance from the general produce of the whole country, the price of the remainder, particularly under a brisk competition for the purchase, is naturally enhanced. The demands of the Company's agent not being fully supplied from their own districts, he enters the general market to complete his orders; and, entering it as a competitor, who must at all events be served, he thus raises the price still higher. By these means the general trade has materially suffered: it has long ceased to be profitable; and many of the native merchants of Bombay, who were tempted to persevere in it, under these disadvantages, have been utterly ruined. By the last accounts from China we are informed that cotton has fallen in that country; and this circumstance, joined to the high price in India, threatens the complete extinction of this branch of trade.[*]

The Company have also a monopoly of the timber forests, a monopoly of salt, a monopoly of spirituous liquors, and a monopoly of tobacco, on the western side of India, all of which are grievously complained of by the natives.

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[*] A somewhat analogous effect is produced by the Company's interference in the tin trade in this country; a brief notice of which may serve to elucidate the preceding observation.

In a printed letter from the Chairman, and Deputy Chairman of the Court of Directors to the President of the Board of Controul, dated March 21, 1812; being in reply to a call made on them in behalf of the Cornish miners, to export 1,200 tons of tin annually, at certain periods, it is stated, "That the price of Cornish tin, in the year 1750, was about 74*l.* 10*s.* per ton in London, at about which price it continued, with some fluctuations, until the year 1789, the date of the agreement with the Company, in which year the average price was 70*l.* 10*s.* per ton in London.

"That in consequence of the arrangement with the Company in 1789, whereby the surplus quantity of Cornish tin has been taken out of the London market, the price of that tin has risen to 100*l.*, 120*l.* 150*l.*, and even 171*l.* per ton; whereby the miners have been enabled to work their deepest mines, and to meet the pressure of the times, inasmuch that the agency of the Company, in this particular, has been termed the political salvation of the county."

The chairman and deputy chairman then go on to offer to export 800 tons of tin at 80*l.* per ton, and 400 tons at 75*l.* although the calculations contained in the same letter evidently show, that at this rate the Company must lose by the speculation.

In the years 1795-6, we have it on record, that cotton was about 110 rupees per candy. Of late years, in Bombay, it has been 180 rupees per candy; and this in a great measure is owing to the Company's interference in the trade, and their withdrawing, in the first instance, a large quantity of cotton from the market, which materially enhances the price of the remainder. For the quantity so withdrawn the Company only pay 120 rupees per candy, and yet lose by it, as they also do by their tin. There is one difference in these two trades, that the cotton is forced from the people, but the tin contributed voluntarily; yet the effect, in both instances, is the same on the general interests of commerce, and of the community. A certain quantity is absorbed by the Company and embarked in a losing trade, whilst every other person interested in the commodity suffers by the great enhancement of its price. However much, therefore, the Cornish miners may suppose themselves obliged to the Company for this inference, I cannot think the London dealers in tin, or the consumers of the commodity, can feel equally obliged; independent also of the general checks to consumption occasioned by this unnatural enhancement of price, there is danger of extinction to the trade itself, when the price becomes so high as to admit of cheaper supplies from other quarters.

From authentic information lately procured, I find that this effect has in some respects been already experienced. Owing to the rise above mentioned in the price of tin, some branches of the manufacture at Birmingham have been considerably reduced, and in particular that of buckles is lost to the town. The use of pewter has from the same cause also considerably and notoriously diminished throughout the kingdom. It should likewise be kept in mind, that Banca tin (as stated in the same letter of the chairman and deputy chairman) may be procured at a fair current price of 67*l.* to 76*l.* per ton. This is less than what the Company themselves pay for Cornish tin in England, and scarcely one half the cost of Cornish tin to the European manufacturer, which is 133*l.* per ton. The Banca tin is also superior in quality to the Cornish tin, and greatly preferred in the continental markets. Independent therefore of the absurdity of the Company going to Cornwall to buy tin at 80*l.* per ton, when they can get it within a few days sail of the China market at 67*l.*, there is certainly, from the circumstances above stated, no inconsiderable danger of further injury to the tin trade and manufacturers of this country, of which the Company's interference is thus the sole and obvious cause. A similar danger, and from the same causes, is to be apprehended in respect to the Bombay cotton trade.

These, however, are the principles on which the Company's trade ever has been, and ever will be, carried on. Equal and reciprocal advantage, the very soul of commerce, is lost sight of, and the monopolizing principle of promoting the advantage of one favoured party, to the material injury of all the rest of the community, is substituted. Trade, in order to flourish, requires no favour nor compulsory aid. When it is the interest of exporters to send out a commodity, they will do it without any law or order of council to stimulate them. When it is not their interest to export, it never can be the interest of the nation to force it, with the consequent loss which must ensue to the exporter. The motives of the Company in this transaction may be good enough, but their whole principle is fallacious; the extensive mischief occasioned by it to the consumers of tin, and the community generally, is far more than any supposed advantage to the Cornish miners can be pretended to counterbalance. A patriotic plea is assumed to justify the measure; but it is an effectual method, if carried to its fullest extent, of ruining, instead of promoting, the national interests.

The same reasoning is equally applicable to their woollen trade, which, as far as I can perceive, is every where a losing one, and therefore founded on very false notions of patriotism.

In Bengal, it is also said, (there are letters, indeed, from the spot confirming the assertion) that the salt monopoly is felt as a grievous oppression; and that many lives are annually sacrificed to this manufacture, the salt-makers being compelled to work in it, and receiving only an inadequate compensation for their labour. It will probably be objected, that the salt monopoly constitutes no part of the Company's trade; that it is, on the contrary, a source of revenue, and was considered as such previous to the Company's possession of the Bengal provinces; the British government having only, in this respect, followed the practice of its predecessors; but the concern being managed by revenue servants, and carried into revenue accounts, will not alter its inherent character of monopoly. The salt is exclusively manufactured for the Company, paid for at a fixed price, and sold at an enormous profit.* However much, therefore, the circumstances of cruelty and oppression, under which it was formerly conducted, may be now mitigated, it is so far still a compulsive system; and whether considered in the light of a tax, or a monopoly gain, the exaction appears to be particularly heavy. It may be thought to be more deserving of consideration and reform, if we reflect, at the same time, that it is raised upon one of the most necessary articles of life to all ranks of people; and that the supreme government have avowed their wish, and even expectation, of being able to extend this oppressive tax or profit (call it which you will) throughout the whole of the Madras provinces; that is, over countries far too poor to be loaded with additional taxes, and where it cannot be supported even by the hackneyed pretence of ancient usage.† The antiquity of the oppression indeed, even in Bengal, will be no justification of its continuance, to those who conceive our ancestors may have been fallible like ourselves, and who have no such prejudiced dread of innovation, as to think errors and abuses are not to be reformed, because they have antiquity to excuse them.

Even the indigo planters loudly complain of the Company's interference. It appears from what has been published on this subject, that the Company, at the commencement of the indigo trade, lost upwards of 80,000*l.* by their own speculations in it. Deterred from further prosecuting it on their own account, they then aided individuals with advances of money in India, to be repaid in England; but at a rate of exchange which may be said to have yielded a profit far exceeding the ordinary returns of commerce. With these advances, however, very extensive indigo works and factories were constructed by individuals; but when they had finished their works, and wanted more capital to carry on their speculations, the Company closed their purse to the planters, and again entered into the trade themselves, to the great injury, of course, of private competitors. Many letters, of late date, from Bengal, represent the indigo trade as still suffering from the Company's proceedings. From all, indeed, I have seen or heard of the history of this trade, it would seem to be a series of interference at one time, and forced encouragement at another; both equally adverse to its permanent prosperity, and to the rendering our valuable possessions in Bengal, the source of exclusive supply in this article to all Europe, as might be anticipated from local and natural advantages, if the trade were left to its own energies.

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* In the Second Report of the Select Committee, Appendix 18, we are informed, that the contract price for the manufacture of salt paid by the Company to the molungees, or makers, is about 50 rupees per 100 maunds. The price at the Company's sales averages, I understand, about 300 rupees per 100 maunds. At this rate the price of this indispensible article of life is thus raised to the consumer about 500 per cent. above its natural cost.

† Extract of a letter from the Governor-general to the Government of Madras, dated Jan. 1800: "We have no hesitation, however, in authorising you to form your permanent settlement on the principle, that the Company will, at some period of time, possess the exclusive right of manufacturing salt from Ganjam to Cape Comorin." Second Report, App. 20.

The Company's speculations in hemp have been equally ruinous to themselves, and injurious to the general interests of commerce. Their interference, indeed, must always particularly affect the import of raw commodities into England, by the enormous freight and charges which sovereign merchants will always be subject to, and which, under their monopoly, private merchants are obliged to pay to them; and likewise by raising the prime cost in India, so as to render that import a losing, which otherwise would be a profitable, concern to the private merchant; cotton and hemp, for example, have been exceedingly enhanced, by this interference, in their Indian cost*.

Pepper is another article which, while the Company continued to trade in it, was also taken from the inhabitants of Malabar at lower prices than the market-rates, and consequently, by a system of coercion, aided often by military force, of which I was myself a personal witness, in that province. This circumstance, with others, led to the rebellions which, for a series of years afterwards, marked our government in that quarter.

In Travancore the raja entered into contracts to supply three or four thousand candies of pepper at 117, and afterwards, I believe, at 125 rupees per candy. At this time the market-price of pepper was 160, 180, and 200 rupees. The raja, throughout this period, continued to deliver his pepper at the contract price; and it was set off in account against a military subsidy, (which the raja had also to pay to the British government) until the year 1806. Whilst the Company, indeed, required pepper as an article of consignment to Europe, the raja, in fact, paid his subsidy with this article, though rated at the inadequate price specified in the contract. But when pepper was no longer desired by the Company as an article of trade, the price in Europe having also fallen below the contract price, the raja was called upon to pay his subsidy, and in 1805 a greatly increased subsidy, in money. This led to all the unhappy and disgraceful proceedings, which of late years occurred in that country. So that whatever may be thought by prejudice or partiality of the great blessings, which the inhabitants of India owe to the Company's commercial dealings, their trade will long be remembered, at least in Malabar and Travancore, from the deeds of violence and blood, which it has there occasioned.

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* *Calculation on the prices of cotton.*

	£.	s.	
Tonnage in Company's regular ships	40	0	per ton.
——— in Company's extra ships	30	0	ditto.
——— in private ships (India built)	22	15	ditto †.

1 Ton of cotton averages 1¾ candies, or 1,372lbs.

Per ton.		d.
At £.40	0	6.997 per lb.
30	0	5.247 ditto.
22	15	3.979 ditto.

Thus the difference between lading cotton on the regular Indiamen and private ships, is 3,018*d.* per lb. in favour of the latter, or 43,132 per cent.; and between lading it on Company's extra ships and private ships 1,268*d.* per lb. or 24,166 per cent. Supposing cotton to cost on board 180 rupees per candy (of 784lbs.) the value of 1lb. (at *2s. 3d.* per rupee) is 6,199*d.*; hence the freight in a regular Indiaman amounts to 112,873 per cent. on the original cost, while that on extra ships is 84,642 per cent. and on private ships no more than 64,188 per cent.

It is fair to presume, that when regular ships pay a premium of 6 per cent. that

† These are all considered as war freights.

But to enumerate all the instances of this kind, which are well known and felt in India, would only be to tire the patience of the House: and to many, who now

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extra ships, with convoy for the voyage, will pay the same, and without convoy 9 per cent.; private ships, with convoy, would then pay 7 per cent. and without convoy 10 per cent. As however the shipper has to insure the cost only, the difference in the premium of insurance bears no material proportion to the difference of freight.

Without regarding the insurance, therefore, the rate of which must depend on circumstances, it appears that the shipper of cotton, in order to be indemnified from loss, must receive in the London market, independently of the usual mercantile charges and Company's and King's duties,

For 1lb. of cotton		
By a regular ship	6.199*d.*	
Freight ...	6.997*d.*	
		13.196*d.*
By an extra ship	6.199	
Freight ...	5,247	
		11.446*d.*
By a private ship	6.199	
Freight ...	3.979	
		10.178*d.*

No notice is here taken of interest, because, as it attaches to the first cost only, it will bear alike on all; unless, indeed, the commodity should remain long unsold after its arrival, in which case that which pays the largest freight, would also be subject to the heaviest charge for interest.

Having thus shown the rates at which cotton may be imported by regular, extra, and private ships, at the present Indian price of that article, we will submit an estimate of its cost, supposing the price in India to fall to what may be considered its natural rate. We have it on record, that 70 rupees per candy, or 2,410*d.* per lb. will yield to the cultivator a profit equal to that derived, by the same class of people, from the cultivation of grain. In 1795-6 the price of cotton to the exporting merchant was about 110 rupees per candy, or 3,788*d.* per lb. Supposing it, therefore, to be again reduced to this price, the calculation will then stand as follows:

	d.		Total Cost. *d.*
1 lb. of cotton as above	3.788		
Add freight			
Per regular ships	6.997	=	10.785*d.*
Per extra ditto	5.247	=	9.035
Per private ditto	3.979	=	7,767

In this case the freight will be: By regular ships 184,714 per cent. on the original cost. By extra ditto 138,516 ditto. By private ditto 105,042 ditto.

It will be observed, that in the preceding calculations I have considered the freight by private ships, by which I mean India-built ships navigated with Lascars, at 22*l.* 15*s.* per ton; but the private merchants of this country assert, and probably on just grounds, that they can furnish shipping at 18*l.* per ton, which would reduce the freight 20,884 per cent. and the cost of the cotton in England would be thus reduced to 6,936*d.* per lb.

That the Indian prime cost of cotton may be again reduced to the natural price of the commodity, there is no good reason to doubt, if the trade be rendered quite free, and the cultivation not hampered by impolitic vexations or restraints. The quantities now produced in the opposite extremities of India, viz. Guzerat, and Bengal, and the fitness of almost all the intermediate countries for the production of this article, of the best quality, would be a sufficient warrant of the effect here anticipated. When the Company traded in pepper from Malabar, and carried away annually large cargoes of it, the price to private merchants was 175 to 200 rupees per candy. The cultivation of pepper having been encouraged in the eastern islands, and the Company having withdrawn from the trade, the price of pepper in Malabar is now 56 rupees per candy.

I do not say that, in both these cases, the Company's interference in this trade has been the sole cause of the excessive increase of price; but it has been a powerful cause, in the manner explained under each head respectively. Pepper, however, having fallen from a monopoly, to its natural price, there is no good reason why cotton, hemp, and other articles in demand for home manufactures, might not, under similar circumstances, follow the same course; and none, I presume, but those whose interest suspends their judgment, will doubt the general advantage of natural, over monopoly, prices, or assert, in these days, that monopoly prices are the only means of "political salvation." If the natural prices, however, of these commodities should ever be restored, it will be evident to every merchant, from the preceding calculations, hear me, it will be unnecessary; to those, I mean, who are convinced, that evils like these are no more than the natural offspring of the system we are now discussing; and who will join me in the regret, that talents, such as are possessed by the court of directors and their servants, should be misapplied in the continuation of such a system; perhaps, indeed, the greatest of all its evils, is its tendency to bias the judgment, and pervert the understanding of honourable and well disposed men, inasmuch as, by its influence and operation, it constantly leads them to believe that to be an act of prescribed duty, which sober and abstract deliberation on the case would at once shew them to be wrong. This is an evil, too, which no change of persons can correct. It is inseparable from the system itself. There is a natural propensity in most persons to approve, without examining, every system that has received the sanction of high authority: and, in executing their assigned parts under it, they have at least the satisfaction of feeling, that they perform a prescribed duty, or are gratifying that power which is most interested in its support. Others, who see its evils, are willing to compromise them in their own minds, by considering them as a price fairly paid for other parts of the system, supposed to be beneficial; whilst a certain degree of odium never fails to attach to those who have the courage or the virtue to notice its defects. With the continuance of the system, therefore, we are sure of the continuance of all its appropriate injuries, without the slightest prospect of effectual remedy, till authority itself shall proclaim the necessity of a change.

How devoutly, therefore, is it to be wished, that all who acknowledge, in their reasoning, the truth of well-established principles, would no longer adhere, in their practice, to antiquated and pernicious prejudices? Taken as an abstract truth, no one now requires to be taught that monopoly is an evil, that the interests of the many are not to be sacrificed to those of the few; and that industry can only flourish with freedom, and the certainty of enjoying the fruits of its labours. Yet where, let me ask, is the practice which steadily conforms to these principles?

Nothing, certainly, can be more obvious, than that industry must in all countries, and among all people, depend on hope, on expectation, on the probability of success; for capital itself will not be employed to promote it, where these feelings do not exist as to the general result. The principle is, doubtless, so strong in human nature, as to resist many discouragements, and to contend with a multitude of obstructions; it possesses moreover an elasticity which causes it to spring with fresh vigour whenever the pressure of these obstructions is removed; but a long continuance of them, it must also be remembered, induces habits on which re-action may produce no effect: for where a people have laboured for ages under the severities of despotic sway; where a system prevails which renders the fruits of labour precarious, and subject to vexatious interference on the part of power; and where the immediate possessor is insecure of a free and full enjoyment, men are reared from infancy, without any of those hopes and anticipations of benefit, which are the main spring of industry and prosperity; indolence and languor take possession of the mind, and to the hopelessness of attaining comforts and blessings, succeeds an indifference to life itself, with a concomitant train of moral depravities always most observable under such systems, and which it requires no other cause to account for. These effects are sufficiently obvious in India, and when we remember the despotism under which these countries have so long groaned, when we consider that the same system of government, which was established by the Mahomedan invaders, has been continued, with few improvements, by ourselves; when we look at the principle and amount of our taxation, leaving to the mass of the people little or no hope beyond that of a bare subsistence; when we reflect on all

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that India cotton may be imported into England at about 7*d.* per lb. for prime cost and freight; and therefore at less than 10*d.* per lb. including every charge; whilst Concany (the best) hemp would cost about 40*l.* per ton. These rates are considerably below what we have long been obliged to pay for our supplies from America and Russia: and it is consequently submitted to those, who have the power of deciding the question, whether it would not be wise to favour the growth of our own colonies, by the only encouragement required, entire freedom, which would certainly enable India to undersell the rest of the world in these and others of its raw productions.

the vexations to which the trade of the country is subjected, as exemplified in the recorded history of that of Surat* and other places, the attempted monopoly of the manufacturers' labour, the forced diminution of their profits, and the frauds, evasions, and concealments, they are in many instances driven to, in order to obtain the market value of their industry; in short, when we thus see a system exhibiting, in all its parts, the exercise of an arbitrary and rigorous power, need we seek any other cause to account for the habits of the people leading them, to "live all their days upon rice, and to go only half covered with a slight cotton cloth?" With these causes, and their inevitable effects before us, it is no small trial of our patience, to hear men of talents and observation, yet blind to the defects of their own institutions, describe the innate simplicity of the Indians, as naturally averting them from the comforts and luxuries of life, and their habits, so fixed, as to be utterly incapable of change.

I do not say that the superstitions of the natives have no share in their debasement; but I do say, they are neither the chief nor the primary cause. Superstition will tend to perpetuate the moral depravity and slavery of a people; but it is itself an effect of oppression and poverty: and if the elastic powers of the mind were relieved from the overwhelming influence of other causes which aggravate the wretchedness and confirm the degradation of India, natural expansion and improvement in views, pursuits, and intellect, would ensue, and afford the best, nay the only chance, of finally subduing the superstition itself.

It has been remarked, that under despotic governments, and even in a debased and corrupted state of manners, it is not uncommon to observe considerable progress in those arts which address themselves to the imagination, or are for the most part conducive to mere amusement, such as music, poetry, painting, &c.; but never (I think it is said) in those higher sciences and pursuits which improve the understanding and the heart. For these improvements there must be a field in which the active qualities of the mind generally may be allowed the freest range. But this is the field in which industry and prosperity would equally delight; moral improvement and that of the condition of the people being thus assignable to a common influence, may be thought to have a natural connection, from which the progress of the one can hardly be expected, but under circumstances equally favourable to that of the other. In this view it would be well if the great advocates for the introduction of Christianity into India, were also to consider more fully the observations which have been made, by very high authorities, on the history and progress of the human mind; and it would be a blessing of inestimable value, if they were consequently led to give their powerful aid to the removal of those obstructions, which in debasing the condition of the people, equally and permanently oppose the accomplishment of their own favourite wish.

It is the condition of the people, I repeat it, that must be first improved; the energies through which alone it can be effectually ameliorated must be called into exercise; the mind, in short, must be relieved of that habitual dread of power, which deadens every active faculty, ere it can be fitted to receive improvement from the divine precepts of the gospel: in its present inert state, force, or poverty, or interest, may make converts; but they, like their predecessors, will be Christians in name alone, humbled rather than exalted by the change, and, from a feeling of self degradation, more than ever prone to the depravities of our nature. We may, hereafter, have to boast of numbers, but till the moral energies of the people have greater means of developement, we may have to blush for the examples, possibly for the acts, which misguided zeal shall have produced; and to regret, when too late, that we mistook the only course which, if steadily pursued, would have conducted our steps to certain success.

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* Because Surat is given as an example, it is not to be supposed the evil is confined to that spot. Lord Wellesley's celebrated letter of 19th July, 1804, published in this country in 1812, shows it to have extended throughout the whole of the Madras provinces. The mode in which an evil of this kind spreads is well described by Mr. Bentham; and it is impossible not to be struck with the strong resemblance of his picture to actual occurrences in the country we are treating of.

" Un premier acte de violence produira d'abord un certain degré d'apprehension; voilà déjà quelques esprits timides découragés. Une seconde violence qui succede bientôt repand une alarme plus considerable. Les plus prudens commencent à resserrer leurs enterprises, et abandonnent peu-à-peu une carriere incertaine. A mesure que ces attaques se reitérent, et que le systèm d'oppression prend un caractère plus habituel, la dispersion augmente, ceux qui ont fui ne sont pas remplacés; ceux qui restent tombent dans un etat de langueur. C'est ainsi qu' à la longue le champ de l'industrie, battu par ces orages, peut enfin se trouver désert."—" Une atteinte portée aux propriétés d'un seul jette l'alarme parmi les autres proprietaires. Le sentiment se communique de proche en proche, et la contagion peut enfin gagner le corps entier de l'etat." Vol. 2, p. 41, 42.

Hoping, therefore, that the condition of this interesting people may, at so critical a juncture as the present, not be overlooked by parliament; and having given my views of the only method, through which either their happiness or moral improvement can be materially promoted, I shall here close with repeating my former wish, that the Company's commercial system may, as soon as possible, be brought to an end, and that their knowledge and experience may then be wholly directed to their political affairs; from which, as much advantage may be anticipated to result to themselves, and to the parent state, as to the countries they are deputed to govern.

And as twenty years more of exclusive privilege will prolong, beyond what is necessary, the evils I have on this and a former night endeavoured to describe, I object to it as the period of the new charter now proposed to be granted. Half that term is, in my humble opinion, quite sufficient for all the useful purposes intended to be secured, by a gradual abolition of the Company's monopoly.

Extracts from the Appendix to Mr. Rickards's Speeches.

The condition of the husbandman or ryot of India, and the system of taxation, which spreads want and misery through regions abounding with the richest productions of nature, appear to be imperfectly known, or little considered, even in the metropolis of the British empire; or they would, sooner, have awakened the active feelings of philanthropy, which so eminently distinguish our age and country; the interference of which, it is presumed, cannot be less meritorious, nor, it is hoped, less efficacious, than in the great cause, which, after many years conflict between natural justice and commercial policy, at last prevailed, in securing the African from captivity and the scourge.

The dejected sons of Asia might prefer even stronger claims on our sense of national honour and humanity, since they have long been under the immediate guardianship of the British constitution, whose glory it is, impartially to watch over all its subjects and dependents, without regarding the quality of the person, or the distance of his abode.

The consideration due to the natives of India was urged on the notice of parliament, at the epoch of prolonging the trading privileges of the East India Company for a further period of twenty years; and although a disclosure of the defects and abuses in our revenue institutions was received with all the attention, which its relevancy to the commercial points, then under discussion, permitted to expect, yet of necessity the explanatory details, which form the appendices of the speeches, could not be introduced in a debate. The reader will here find, that the author's observations on the principles of Indian finance, and his animadversions on the evils which it encourages, are justified by official and authentic documents, and supported by the concurrent testimonies of men, whose opinions, like his own, are the result of personal observation and experience in the country, whose cause is now brought to the bar of British justice.

It will grieve him, if any pious Christian take offence at his manner of expressing himself, on the important subject of communicating the light of the Gospel to minds hitherto held impervious to its rays. His observations are all precautionary, intended to relieve our holy religion from the shame of practices unworthy of its divine origin, and to avert miscarriage, disappointment, and regret, from its most benevolent professors.

Although to implicate in the errors of our Indian government the sacred character of our faith, may be thought unjust or invidious, the association is inseparable in the minds of those, who impute their misery to our avarice and ambition. The foreign sovereigns and the foreign missionaries, both coming from the same country, will be equally objects of distrust and jealousy to a timid people, unless the practice of Christianity, in deeds of mercy and charity by the one, precede, accompany, and exemplify the preaching of the other. Let us only well consider the relation in which we stand towards the natives of India. If our arm of power is no longer dipped in blood, every sinew is strained in the exactions of revenue; but terror, and dismay, whether excited by the sword, the tax-gatherer, or monopoly, are alike inimical to conviction, which, to reach the heart, should be the result of free enquiry, undisturbed consideration, and calm reflection; and these it is vain to look for in a state of degradation and oppression. What confidence can the Hindoo have in our warmest zeal for his spiritual welfare, if all his temporal interests are made subservient to our lust of wealth? He will entertain no flattering idea of our sincerity, if we offer only our religion, in return for the possession of his worldly goods, and the subversion of his natural rights.

Is it not then fair to ask, and reasonable to expect, that the genuine spirit of Christianity should operate on the rulers of India, to abate the rigour of Mahommedan taxation as readily as they would disclaim, for themselves and their servants, the adoption of any Mahommedan imposture, or Hindoo superstition? that a religion of good-will towards all mankind should induce them, in mercy, to lower the contributions of the Indian husbandman to a level with the rates of other agricultural countries?

Until this be done; until there be a general amelioration of the ryot's condition, it is apprehended, that when the book, which contains the life and doctrines of the blessed Jesus, shall be spread before a votary of Brama, with none but the mildest persuasives for him to peruse it patiently and deliberately, he will have a right to tell us, who call ourselves Christians, that "our practice is systematically at variance with the merciful religion we invite him to embrace. That half a century's experience of our government in Bengal, and much longer acquaintance with our commerce there and in the peninsula, have given too few examples of the Christian virtues for us to expect, that the simple Indian will change the belief of his ancestors for that of European masters—and might he not be allowed to complain, that judging of the tree by its fruits, to himself and his whole race it is full of bitterness?"

It has been said by a distinguished prelate of the Church of England,* that "truth is most easily discerned in those reasonings and opinions, which tend to practice; because the absurdity and inconvenience of them is sooner discovered."

Like the Rechabites of old, who merited a blessing from a prophet,† the bramins tenaciously observe the sober customs of their fathers: like the disobedient Israelites, who were admonished by this example of conformity, we might be reproached with neglect of the public ordinances of our Church as to divine worship, with profanation of the Sabbath, and too common intemperance. In these instances of practical obedience, the missionary from an European settlement, would be confounded by being told, "Cast out the beam out of thine own eye, and then shalt thou see clearly to cast out the mote out of thy brother's eye."

But if European manners excite in the natives of India no disposition to receive the articles of our belief, much more discouraging to every true Christian will be the reflection, that their hearts are completely estranged, and their disposition for religious instruction opposed, by feelings of distress, resentment, and disgust, under merciless demands of revenue; the heaviest burthen which the Moguls, in the wantonness of conquest, ever imposed on this submissive people, having been declared to be fixed unalterably for ever, by the Christian successors of Timour and Aurengzebe.

Evangelical preaching from the most hallowed lips, will make little impression on the minds of the Hindoos, so long as the influence of Christianity produces, on the part of its professors, no abatement of a system borrowed from the disciples of Mahomet. Islamism itself will hardly present a more forbidding aspect to the victims of injustice, who see half the produce of their fields swept away from their use by Christian hands, with as little remorse as by the sanguinary Mussulmans.‡

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* Tillotson's Sermon 130, concerning the perfections of God.

† Jeremiah, chap. xxxv.

‡ It is related by Robertson in his History of America, (book 3.) that a cazique of Hispaniola, who had opposed the Spaniards in their first invasion of his country, was taken and condemned to be burnt; and when he was fastened to the stake, a

The Fifth Report of the Select Committee of the honourable House of Commons on the Affairs of the East India Company, contains the following among other interesting information as to the origin of our revenue institutions, and the rates of taxation in India, the oppressive influence of which baffles every effort at improvement, civil or religious.

"As it was the opinion of some intelligent servants of the Company, that it would, in the approaching settlement,* be more advisable to resort to the institutions and rules of the old government, with which the natives were acquainted, than to proceed upon principles and rules in the administration of justice and revenue, derived from a state of society, to which they were entire strangers; your committee will proceed to explain the scheme of internal policy, in the management of the land revenue, to which it was contended, by the persons above alluded to, the preference should be given."

"In the extensive plains of India, a large proportion, estimated in the Company's provinces at one-third by lord Cornwallis, at one-half by others, and by some at two-thirds, of land capable of cultivation, lies waste, and probably was never otherwise. It became, therefore, of importance to the native governments, whose principal financial resource was the land revenue, to provide, that as the population and cultivation should increase, the state might derive its proportion of advantage from this progressive augmentation. Whatever might be the motive of its introduction, the rule for fixing the government share of the crop had this tendency. This rule is traceable, as a general principle, through every part of the empire, which has yet come under the British dominion, and undoubtedly had its origin in times anterior to the entry of the Mahomedans into India. By this rule the produce of the land, whether taken in kind, or estimated in money, was understood to be shared in distinct proportions between the cultivator and the government. The shares varied when the land was recently cleared, and required extraordinary labour; but when it was fully settled and productive, the cultivator had about two-fifths, and the government the remainder. The government share was again divided with the zemindar and the village officers, in such proportion, that the zemindar retained no more than about one-tenth of this share, or little more than three-fiftieth parts of the whole; but, in instances of meritorious conduct, the deficiency was made up to him by special grants of land, denominated nauncaur, or subsistence; the small portions which remained were divided between the mokuddim, or head cultivator of the village, who was supposed instrumental in originally settling the village, or derived his right by inheritance, or by purchase, from that transaction, and who had still the charge of promoting and directing its cultivation—the pausbaun or gorayat, whose duty it was to guard the crop, and the putwarry or village accountant, perhaps the only inhabitant who could write, and on whom the cultivators relied for an adjustment of their demands and payments to be made on account of their rents—besides these persons, who, from the zemindars downwards, can be regarded in no other light than as servants of the government, provision was made either by an allotted share of the produce, or by a special grant of land, for the canongoe or confidential agent of the government, whose name implies that he was the depositary and promulgator of the established regulations, and whose office was intended as a check on the conduct in financial transactions of all the rest."

"Under the superintendence of this officer, or one of his gomastahs or appointed agents, were placed a certain number of adjacent villages, the accounts of which, as kept by the putwarries, were constantly open to his inspection, and the transactions in which, with regard to the occupancy of the land, and the distinction of boundaries, came regularly under his cognizance, in a form that enabled him, at any time when called upon, to report to the government the quantity of land in

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Franciscan friar, labouring to convert him, promised immediate admittance into the joys of Heaven, if he would embrace the Christian faith. After some pause, he says, "Are there any Spaniards in that region of bliss which you describe?"—"Yes," replied the monk, "but only such as are worthy and good."—"The best of them," replied the indignant cazique, "have neither worth nor goodness. I will not go to a place where I may meet one of that accursed race."

* On the arrival in India of lord Cornwallis, anno 1786. Vide Fifth Report, page 15.

cultivation, the nature of the produce, the amount of rent paid, and generally the disposal of the produce, agreeably to the shares allotted by the rules, as above explained. To his office, moreover, reference might be had, to determine contested boundaries, the use of rivers or reservoirs for irrigation, and generally in all disputes concerning permanent property or local usage, within the limits of his official range."

The following extract from Historical Sketches of the Mysoor, by colonel Wilks, may serve to give a more complete idea of the organization of society in India, and to place the situation of the natives in a more interesting point of view, from its resemblance to primeval simplicity.

"Every Indian* village is, and appears always to have been in fact, a separate community or republic, and exhibits a living picture of that state of things which theorists have imagined in the earlier stages of civilization, when men have assembled in communities, for the purpose of reciprocally administering to each other's wants. 1. The Goud, Potail, Muccudim, or Mundil (as he is named in different languages) is the judge and magistrate. 2. The Curnum, Shamboag, or Putwaree, is the register. 3. The Paliary or Schulwar: and, 4. The Potee, are severally the watchmen of the village and of the crops. 5. The Neerguntee distributes the water of the streams or reservoirs in just proportion to the several fields. 6. The Jotishee or Joshee, or astrologer, performs the essential service of announcing the seasons of seed time and harvest, and the imaginary benefit of unfolding the lucky or unlucky days, and hours, for all the operations of farming; 7th the smith, and 8th carpenter, frame the rude instruments of husbandry, and the ruder dwelling of the farmer. 9. The potter fabricates the only utensils of the village. 10. The washerman keeps clean the few garments which are spun, and sometimes woven, in the family of the farmer, or purchased at the nearest market. 11. The barber contributes to the cleanliness, and assists in the toilet of the villagers. 12. The silversmith, marking the approach of luxury, manufactures the simple ornaments with which they delight to bedeck their wives and their daughters; and these twelve officers (Barra lullowuttee or Ayangada) or requisite members of the community, receive the compensation of their labour, either in allotments of land from the corporate stock, or in fees, consisting of fixed proportions of the crop of every farmer in the village. In some instances the lands of a village are cultivated in common, and the crop divided in the proportions of the labour contributed, but generally each occupant tills his own field; the waste land is a common pasture for the cattle of the village; its external boundaries are as carefully marked as those of the richest field, and they are maintained as a common right of the village, or rather township (a term which more correctly describes the thing in our contemplation) to the exclusion of others, with as much jealousy and rancour as the frontiers of the most potent kingdoms. Such are the primitive component parts of all the kingdoms of India. Their technical combination to compose districts, provinces, or principalities, of from ten to a hundred thousand villages, has been infinitely diversified, at different periods, by the wisdom or caprice of the chief ruler, or by the vigour and resistance of those who, in every age, country, and condition, have coveted independence for themselves, and the power to govern the greatest possible number of their fellow creatures. Menu's arrangement places a lord over one town with its district (which is precisely the township above described); a lord of ten, of twenty, of a hundred, and of a thousand, in a scale of regular subordination, reporting and receiving commands successively from the next in gradation, and fixes with precision the salaries and perquisites of each: his scheme of government recognizes none of those persons who in these days are known by the several designations of Wadeyars, Poligars, Zemindars, Deshayes, &c. (all in their respective jurisdictions) assuming when they dare the title of raja or king; all officers enumerated by Menu have, in their several scales, at different periods, simply acted as agents of the sovereign; as farmers of revenue contracting with the sovereign for a certain sum, and levying what they can as partisans or chiefs of troops; receiving an assignment on revenues, managed by another, or the direct management themselves, for the purpose of defraying the pay of the troops."

"In these several capacities they may have continued obedient to the sovereign who deputed them, they may have obtained from his favour, or from his fears, a remission of part of the sum to be accounted for, they may have rebelled and usurped the whole government, or have established a small independent principality, or a larger: but with regard to the villages or townships, of which the principality is composed, they have appeared but in one character; viz. the government, the sovereign: a person exercising sovereign authority on his own account, or, by delegation, on account of another. The interior constitution and condition of each separate township remains unchanged: no revolutions affect it, no conquest reaches it. It is not intended to assert, that the village in our contemplation may not have produced the Cæsar of his little world: the rights of the inhabitants may have been invaded by the potail, by the poligar ruling over twenty, by the wadeyar ruling over thirty-three, by the collector over two hundred, or by the sovereign of twenty thousand townships, each or either of these persons may have attempted, or have succeeded, or have failed, in persuading or forcing an augmentation of the proportion of money, or of grain, paid by the township to the state; but the conquests, usurpations, or revolutions, considered as such, have absolutely no influence on its condition. The conqueror, or usurper, directly, or through his agents, addresses himself as sovereign or representative of the sovereign to the head of the township; its officers, its boundaries, and the whole frame of its interior management, remain unalterably the same;* and it is of importance to remember, that every state in India is a congeries of these little republics."

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* Wilks's South of India, page 117.

"A certain number of villages, with a society thus organized, formed a pergunnah; a certain number of those, comprehending a tract of country equal perhaps to a moderate sized English county, was denominated a chuckla; of these a certain number and extent formed a circar; a few of these formed the last or grand division, styled a soubah, of which, by the dewanny grant, the British government had obtained two, the soubah of Bengal, that of Bahar, with part of Orissa."

On the subject of the havelly lands of Fort St. George, (lands of which government considered itself the proprietor, and having no intermediate occupants or agents, as zemindars, polygars, &c. between the sovereign and the cultivators) the Fifth Report, page 117, adds, "Your Committee will first detail the principles of revenue administration, progressively adopted by the Company's government in the latter description of territory, generally distinguished by the name of circar or havelly lands. The interest in the soil was generally found to be divided between government and the cultivator.

"The established or understood share of the former, from paddy lands, or wet, designated by the term nunjah, was generally received in kind, at rates varying from 40 to 60 per cent. of the gross produce, subject to a deduction of certain proportions distributed among the servants, and appropriated to charitable uses. The government share of dry grain culture, called punjah, which was considerably less than in the nunjah lands, was mostly received in money," &c.

"The demand on the cultivator was, however, by no means confined to the established rates of land tax or rent; for, besides the sayer duties and taxes, personal and professional, the ryot was subject to extraordinary aids, additional assessments, and to the private exactions of the officers of government, or renters, and their people: so that what was left to the ryot was little more than what he was enabled to secure by evasion and concealment."

Of the general administration under the Mahommedans, we have it reported by the Select Committee, page 5, that "the information communicated to the directors by the supreme government in 1772, represented the internal government to be in a state of disorder, and the people suffering great oppression: these evils were imputed to the nature of the former administration." "The nazims exacted what they could from the zemindars, and great farmers of the revenue, whom they left at liberty to plunder all below, reserving to themselves the prerogative of plundering them in turn, when they were supposed to have enriched themselves with the spoils of the country: the whole system thus resolved itself on the part of the public officers into habitual extortion and injustice, which produced on that of the cultivator the natural consequences, concealment, and evasion, by which government was defrauded of a considerable part of its just demands."

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* Every village, with its twelve Ayangadees, as they are called, is a little republic, with the potail at the head of it; and India is a mass of such republics. The inhabitants, during war, look chiefly to their own potail. They give themselves no trouble about the breaking up and division of kingdoms; while the village remains entire, they care not to what power it is transferred; wherever it goes the internal management remains unaltered; the potail is still the collector and magistrate, and head farmer. From the age of Menu, until this day, the settlements have been made either with or through the potails.—Wilks.

"With respect to the administration of justice, the regular course was every where suspended, but every man exercised it who had the power of compelling others to submit to his decisions."

These indeed are but the natural effects of such a land-tax as we are considering, and must inevitably be felt under every administration which has the injustice to enforce or adopt it.

It is now officially recorded, and before parliament, that of the produce of lands in India, the cultivator had about ⅖ths only, and government the remainder, for the purposes of the state, and to provide for the officers employed under it, to ascertain and collect this revenue, of which $\frac{9}{10}$ths appear to be the return thus made to government, allowing at most $\frac{1}{10}$th to the zemindar, or resident collector, for his trouble. But the most affecting picture of Indian misery is the account of the havelly lands of Fort St. George, where, after payment of the established land-tax to government, which varied from 40 to 60 per cent. of the gross produce, extraordinary public and private exactions, on what was intended to belong to the ryot, so reduced the residue, as, in the emphatic words of the committee—to leave him little besides what he was enabled to secure by evasion and concealment.

Such were "the institutions and rules of the old government," to which it was deemed advisable to resort! Such was the state of a vast country, with sixty millions of souls, when a corporation of Christian merchants succeeded to the authority of its Mussulman conquerors: and odious as the comparison may be felt, it would be culpable evasion of incontrovertible evidence to deny, that these Mahommedan principles of finance are the basis, taken by the honourable Company, for their permanent settlement of the revenues of India.

In Great Britain, where humanity is honoured, and justice made the chief aim of government, we should consider it a compromise of the national honour, to listen for a moment to suggestions for authorising or sanctioning, in the conduct of our fellow-countrymen, in any settlement however remote, the immoralities or cruelties of Mahomet and his followers. Degradation of one-half of the human species in the female sex, polygamy, and proselytism by the sword, we condemn with just abhorrence and virtuous indignation; how then, it may be enquired, from the impure fountain, whence these and other enormities have overflowed large portions of the earth, how from the source of imposture and usurpation in the Mahommedans, can we, can Christians, draw justification, or seek precedents, for taking from a husbandman one half of the produce of his fields? A burthen unknown, not only in Britain, but unheard of in any other part of the world.

Lest any one should hesitate entering into the author's objections to the rate of this tax, from doubts of its being actually renewed and enforced by the British sovereigns of India, the following official extracts may be necessary to the information of readers, unaccustomed to the details of eastern exactions.

EXTRACT of a Letter from the Judge of Broach, dated 11th May, 1808, addressed to the Governor in Council of Bombay.

"The right of the honourable Company, as rulers and sovereigns, to one-half of the produce of the government lands, is one of the first and most undisputed principles of the old established laws of this part of their territories."

The Appendix to the Fifth Report contains the following extracts from the reports of collectors on surveys and assessments.

The lands in Paddy Fields, yielding two crops, are ascertained to be 562,15½ Goontahs.

The highest of which is as follows:

The first crop of the best of wet lands	17	
The second crop from the same ground	8	6
	25	6
Deduct Sotundrum, &c. equal 12½ per cent.	3	2¼
Remains	22	3¾

Ryot's share	11 $1\frac{14}{16}$	
Circar (or government) share	11	
		22 $1\frac{14}{16}$

The fractions being let go to the Ryots.

The lowest rate of the lands giving two crops is thus settled:

The first crop produces		10 6
The second crop		5 4
		16
Deduct Sotundrum, &c. of $12\frac{1}{2}$ per cent.		2
		14
Ryot's share	7	
Circar (or government) share	7	
		14

The lands yielding one crop are rated from 26. 4. to 13. 15.

The whole produce of the first sort		15
The Sotundrum		1 $10\frac{1}{2}$
		13 $1\frac{1}{2}$
Ryot's share	6 $6\frac{3}{4}$	
Circar (or government) share	6 $6\frac{3}{4}$	
		13 $1\frac{1}{2}$

The total average produce* on the lands giving two crops is as follows:

Whole average produce per Goontah		22 2
Sotundrum, at $12\frac{1}{2}$ per cent.		2 $9\frac{1}{4}$
		19 $4\frac{3}{4}$
Of which		
The Ryot's share is (only)	9 $8\frac{6}{16}$	
Circar (or government) share	9 $8\frac{6}{16}$	
		19 $4\frac{3}{4}$

The total average produce in the lands yielding one crop is as follows:

Whole average produce		11 9
Sotundrum		1 $5\frac{5}{8}$
		10 $3\frac{3}{8}$
Ryot's share	5 $1\frac{11}{16}$	
Circar (or government) share	5 $1\frac{11}{16}$	
		10 $3\frac{3}{8}$

EXTRACTS from Mr. Hodgson's Reports in Appendix to Fifth Report. Page 935.

"In the northern circars, for instance, the ryots have paid a fixed revenue for ages; that is, they have given 50 per cent. or more or less of their produce, according to local circumstances, either in money or in kind."

Page 962. "It is recorded of Benares, that two modes of paying landed assessments prevail in that province. By the first, the husbandman engages to pay the value of one half of whatever in the course of the year the farm shall be found to yield. By the second, he makes himself responsible for the original land-tax imposed by the emperor Akbar, together with such additional assessments as late reigns have prescribed."

EXTRACT from the printed Report of the Bengal Commissioners appointed to settle the Province of Malabar, in 1793. Vol. 1, page 247.

"The chief and council (of Telichery) ordered that the assessment on the oarts should continue in the usual manner, which, whilst only rated, as above-mentioned, at 25 per cent. on the produce, remained in a proportion of one-fourth more lightly taxed than the rest of Malabar; there being no rule better understood, or more fully and readily acquiesced in, with respect to the assessment of the country in general, than that the government is entitled to one-half of the effective produce of both trees and vines."

EXTRACTS from Mr. Shore's (Lord Teignmouth's) Minute, 18th June, 1789, in Appendix to the Fifth Report. Page 180.

"I assume, as a fact, the ryots pay in a proportion of one-half of the gross produce of their lands."

Page 181. "The rates of assessment are so heavy on the ryots in many districts, that I believe their capacity to discharge them arises from their secretly holding lands which pay no rent. How far this may extend, I know not."

Numerous other authentic documents might be quoted from the same report; but these, it is presumed, will suffice to shew that such is the rate of impost on the agriculture of India.

Of the abuses in the management and

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* Fifth Report, 761

collection of this revenue, an example may be taken from the

TANJORE REPORT.

"By the committee appointed to investigate the abuses exercised by the native servants of government, employed in the administration of the revenues of Tanjore.

(Signed) CHARLES HARRIS,
JOHN WALLACE,
Combaconum, W. BLACKBURNE."
31st *July*, 1804.

"It is well known to government, that the manner in which the land revenues of Tanjore have been of late years administered, was by an aumanie division of the crops. The facility, which that system of management affords, of committing depredations on the revenue, was, from its first establishment, well known to the collector, who appears to have instituted every possible check for the preventing of those abuses, to which, he was fully aware, the system was in this respect liable. That these checks were well calculated to ensure the ends for which they were adopted, the committee have full proof from their effects in the first year of the aumanie, 1210, when the sircar servants were not linked together by a common chain of interested villainy and corruption, and when the trifling depredations on the revenue were confined to a few petty monigars and inferior landholders. But restraints, which in that case were effectual, and which would have remained so, had any one class of the native servants continued in the upright discharge of their duty, became of little avail, when the whole mass of servants, both in the cutcherrys and in the districts, felt the desire and sought the means of peculation and plunder."

"From the accounts given in by the meerassadars to the committee," (under circumstances by which a confession was obtained from the parties concerned in the depredations on the revenue, as amply detailed in the Report) "it would appear that in the three harvest years or Fuslies 1211, 12, and 13, the total quantity of the nunjah produce kept out of the circar accounts, and concealed from the knowledge of the collector, amounted to 9154 garce, of which total amount 4707 garce formed the actual depredation on the nunjah revenues of government. This grain, had it been brought to account, would have augmented the actual revenues of the three years in the sum of star pagodas 1,21,636. 25 f. 53 c. (48,654*l.* sterling, calculated at 8*s.* per pagoda) according to the average price for which the government grain sold in the different talooks for the Fuslies in question."

"The committee feel little hesitation in stating the poonjah embezzlement, at star pagodas 71,205. 6 f. 69 c. and that of the total embezzlement on the revenues of Sornadajum 12,521. 12. 11. making a total embezzlement on the revenues of the high lands in Fusly 1211 of star pagodas, 83,726. 19 fs. In Fusly 1213, the Poonjah land, including the Sornadayum, had been rented to the inhabitants."

	S. P.	Fs.	C.
"The land revenues of Fuslys 1211, 12, and 13, have by the joint depredations and corruption of the meerassadars and circar servants, suffered a defalcation of - -*	2,05,363	2	53
To which add the amount of embezzlement of grain in 1210 - - - - -	2,502	35	48
Total defalcation of land revenue since the establishment of the Aumanie system	2,07,865	38	21
Frauds in the other heads of receipt - -	15,461	36	26
Frauds in the disbursements as they affect government - - -	39,650	29	13
Frauds in the Treasury	6 570	37	15
Total loss by government in Fusly 1210, 11, 12, and 13 - -	2,69,549	14	73
Further amount of frauds on the disbursements, not affecting government but individuals - -	13,714	17	40
Frauds not affecting the receipts nor disbursements of government - - -	27,269	32	51
Total loss sustained by government and individuals - - -	†3,10,533	23	6

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* *£.* 82,145 sterling:
† *£.*124,213 sterling.

"On the degrees of guilt of the several depredators, the committee cannot deem it either just or politic, to measure the delinquency of each individual by the degree of profit which he derived from his guilt; for it is not by the actual sum received by any one, or any ten, of the individuals concerned, that the revenues of government have suffered; it is from the example of corruption, and the spirit of rapacity, manifested by the superior servants, that a system of daring frauds has been diffused throughout the whole of the native establishment employed in the management of the revenues, and that the whole tenantry of an extensive and populous province have been almost seduced from their allegiance, and led into measures of a nature the most flagitious."

"The peshcar of the collectors cutcherry, the interpreters in the collectors and assistants cutcherries, the head hircarrah, and the head deloyet, from the very nature of their offices, could have prevented by their integrity, or discovered by their vigilance, any attempt at fraud or embezzlement, on the part of the other servants of the establishment; but by a base, unprincipled, and interested abandonment of every part of their duty, they have, for a comparatively small profit, occasioned a considerable loss to government, by separating from it, and encouraging in secret enmity with it, the people of a whole country.

	S. Ps.
"The peschars monthly salary was	100
His depredations on government	13,144
And on individuals	6,849
"The interpreter of the collectors cutcherry, Rungarow, had a monthly salary of	50
His depredations on the public are	3,609
On individuals	4,076
"The interpreter in the cutcherry of the first assistant, Ramiah, had a monthly salary of	20
His depredations on the public amount to	8,821
And on individuals	1,835
"The interpreter in the cutcherry of the second assistant, Chedumbaranada Moodely, had a monthly salary of	20
His depredations on the public amount to	3,088
And on individuals, to	311
"The head hircarrah had a monthly salary of	10
His depredations on the public are	2,128
And on individuals	227
"The head deloyet had a monthly allowance of	10
His depredations on the public are	1,140
And on individuals	2,058
"The javabnavis received a monthly salary of	15
His depredations on the public amount to	1,492
And on individuals to	893

The Committee conclude their Report by inserting the following statement, shewing the proportion which the embezzlement and frauds, in the four Fuslys, bear to the net revenues of those years.

	S. P.	Fs.	C.
"Embezzlement on the Receipts and Disbursements of Government, in Fuzlees, 1210, 11, 12, and 13:	2,69,549	14	75
"Recorded net revenue in the same years	34,40,356	33	39
Total net revenue	37,09,906	6	34

"Or sterling £.107,820, embezzled out of £.1,483,962."

This instance of a general combination against the government is a melancholy demonstration of the common feelings of the natives, under the present administration of the revenue, and may be contrasted with very different effects of moderation in another district, as recorded in the Fifth Report of the Select Committee.

"The ceded districts were obtained by the Company in 1800, and were placed under lieutenant colonel Thomas Munro: this very extensive tract of country, which, including the tributary district of Kurnoul, is larger than Scotland, and which is considered to contain a population of about two millions, had been sunk to the lowest point of declension by a weak and improvident government: the value at which it was ceded was 16,51,545 star pagodas, including all heads of revenue. The collector in the first instance fixed his rents much below what had been the former demand, increasing it only as the means of the ryot, and the improving state of the country, enabled him safely to do; he returned to England at the end of the year 1807, having been upwards of seven years in the charge of the districts. During this period the land revenues had increased from 10,06,593 pagodas to 15,17,272, or from 402,637*l.* to 606,909*l.* sterling, having in one year (1805-6) in which the season was extraordinarily favourable, exceeded that amount in considerably more than a lac of star pagodas. The whole amount realized within that period, and up to the conclusion of the revenue year 1807-8, including the other branches of revenue, was no less than 1,19,90,419 star pagodas, 4,796,168*l.* sterling, with a remission on the whole of no more than 3,415 pagodas 1 f. 22 c. or 1,368*l.* sterling."

"It was recorded by the acting governor, on the resignation of lieut. colonel Munro, "that the inhabitants, from disunited hordes of lawless freebooters, had become as far advanced in civilization, submission to the laws, and obedience to the magistrates, as any subjects under the Madras government; that every one seemed satisfied with his situation; and that the regret of the people was universal on the departure of the principal collector.—It was also stated by the principal collector himself on that occasion, that if no alteration was attempted, the ceded districts would yield, one year with another, about 18 lacs of pagodas, and that it would never be necessary to call out a single Sepoy to support the collections.—In the following year 1808-9, the total collections amounted to no less than star pagodas 18,02,570, (721,038*l.* sterling) of which sum 16,69,908 (667,963*l.* sterling) consisted of land revenue only."

With these opposite effects in the revenue administration of India before us, with such evidence of abject treachery and fraud in one case, and of loyalty, attachment, and industry in the other, a natural desire will arise to relieve a numerous people from the galling yoke of exactions, which leave them no resource but deceit or violence: and after admiring the example of moderation which reflects so much honour on colonel Munro, we cannot refuse joining in the regret expressed by colonel Wilks, (ch. 5, p. 185.)

"That the long and uninterrupted subjugation of Hindostan by Mahommedan princes had so far obliterated the best characters of the ancient Hindoo constitution, as to present to the first English observers nothing but Mahommedan institutions and edicts, as the earliest documents which it was necessary to consider."

"Institutions," adds the same judicious writer, "derived from the best practices of a code, which inculcates war against infidels as a religious duty, condemns the women and children of the vanquished to slavery, the men to death, and condescends to accept submission and the highest possible tribute, as a merciful commutation for liberty and life, do not seem to be very proper objects of imitation for an English government."

"The whole financial plan of a Mohammedan government exercised over infidels is comprised in the following short extract from their most celebrated Law-Tract Hedaya, book IX, chap. 7:—'The learned in the law alledge, that the utmost extent of tribute is one half of the actual product, nor is it allowable to exact more; but the taking of a half is no more than strict justice, and is not tyrannical: as it is lawful to take the whole of the person and property of infidels, and to distribute them among the mussulmans, it follows that taking half their incomes is lawful *à fortiori.*'

"Those who contend for the proprietary right of the sovereign, will, in this stage of oppression, find him to possess one half of the produce, as a barbarous remuneration for not having murdered the original proprietor." (Wilks, ch. 5, p. 164.)

"In one part of the commentary on a digest of the Hindoo laws by Jagganatha, (idem, p. 116.) the earth is declared to be the protective property of powerful conquerors, not of subjects cultivating the soil."

The perusal of such slavish authorities is irksome; but is it not more wonderful, that to governments, whose practices were regulated by these maxims, any reference could ever be made by men accustomed to the language of freedom, and the knowledge of civil rights? by Britons? by Christians?

It is vain to reply, that arbitrary principles are more adapted to the people of India than of England: such principles and such practices neither lose nor acquire their pernicious tendency to embitter man's life, and degrade him below the ordinary level of his species, from the aspect of a southern or a northern sky:

the climate of India can never excuse, nor in the slightest degree palliate the inhumanity or tyranny of Hindoos, Moguls, nor of any other successors to their dominion.

The soil and climate of the Morea are not found to have undergone any such change, as to account from natural causes for the change of character in its inhabitants. It is the pestilential breath of Mahommedan despotism that has wrought the degradation of mankind in these the two finest countries in the world. Restore liberty to Greece, she will again flourish; deprive Britain of her's, and of the nations of Europe she will be the last: were it possible that despotism, like that which for ages has prevailed in the countries of the south and the east, could be supported in our northern regions, it would sink

"This land of heroes, bards, and patriots," to a level with the modern Greeks and Hindoos.

The state of society induced by this system of revenue in the Company's districts, which had descended to us from our Mahommedan predecessors, is thus described by the court of directors when the measure of changing this system was proposed, and lord Cornwallis appointed to carry the change into effect.

Extract from the Letter of the Court of Directors to the Supreme Government, 12th April, 1786. Second Report, page 156.

"The nature of our dominion in India renders it expedient, that our revenue system should be simple in its principles, and uniform in its operation; and the embarrassed state of our affairs demands from us, and from our servants, every practicable attention to frugality.—On reviewing the conduct of our revenue department for some years back, we have observed a disposition to innovation and experiment, without urgent necessity or apparent cause, but with many obvious and immediate inconveniences; new institutions, and almost instant deviations from them; multiplication of offices, and increase of salaries.

"Such frequent changes must necessarily be productive of disquiet to the inhabitants of any country, still more to an indolent and submissive people, like the natives of Bengal; they must be destructive of good government there, whilst they throw over the whole business of our revenues, and all the official records, a cloud of intricacy and confusion, which almost defeats controul and enquiries on our part. We find them always introduced with the flattering schemes of increase to the revenue, and diminution of expence, which have hardly, in any instance, been realized by the event."

Extract of a Letter from the Court of Directors to the Supreme Government, dated 19th Sept. 1792. 2d Report, page 166.

"The finance principle of the mogul government, which was to collect continually upon the actual produce of lands, has, from its nature, led to concealment, chicanery, and fraud.—In proportion as the demands of the sovereign were enhanced, these acts were multiplied, and the character of the people of every rank debased.—The great extent of the provinces now held by us; the vast details of their accounts, voluminous for every village, and particularly liable to falsification, loss and decay; the ignorance, incapacity, and want of principle, too common among the zemindars; the changes perpetually happening throughout the country among the native officers of the revenue, the corruption of those officers, their fraudulent alienations of land, their indolence and mismanagement; the general inexperience of our servants in revenue affairs during the first years of the dewannee; and the frequent alterations which have since taken place both in respect to them, and to the mode of administering the finances; the very different nature of our government, and the calamities which the country has sustained: all these circumstances, to mention no others, have concurred to involve the real amount of the produce of the lands in great intricacy and obscurity; and the same causes, joined to the unceasing struggle between the oppressive exactions and fraudulent evasions, have produced numberless pretences and disguises, increasing continually both the necessity and difficulty of instituting effective laws for the restoration of reciprocal equity and good faith."

"But we must upon the fullest consideration disapprove entirely of the Mogul principle of taxation, the division of the actual produce between the sovereign and the immediate cultivator of the soil, which, under various modifications, has continued to be the basis of practice until the present time: we are convinced there are evils inherent in this mode, greatly obstructive of national improvement and happiness.—We are moreover by no means satisfied that our provinces have now resources equal to those which they possessed, even when ceded to us; we wish indeed, that we saw no reason to apprehend the contrary.—From the best judgment we can form, the natural calamities to which the country has been subjected, joined to other circumstances, have greatly altered its state, which at present affords no external signs of abounding wealth, nor any probable source of large increase, except the alienated lands, which remain a subject for investigation.

"With respect to the objections drawn from the disorder and confusion in the collections, the uncertainty of their amount, the variable indefinite rules by which they are levied, the exactions and collusions thence too prevalent, the intricacies in the details of the revenue business, and the ignorance and incapacity of the zemindars, lord Cornwallis charges these evils, so far as they exist, (and we think with great justice) upon the old system, as a system defective in its principle, and carrying through all the gradations of the people, with multiplied ill effects, that character of arbitrary imposition which originated at the head. He therefore very properly contends, that reform must begin there, and that in order to simplify and regulate the demands of the landholders upon their tenants, the first step is to fix the demand of government itself.

"If any conclusion is to be drawn from the descriptions given of the people, it is surely this, that the powerful are oppressive, and the weak fraudulent."

The remedy applied by lord Cornwallis to correct this state of disorder and oppression was the zemindary settlement, the principle and tendency of which are thus described in the Fifth Report, p. 59.

"The proportion of the produce of a zemindary estate, fixed as the government share, at 10-11ths of the rent paid by the tenantry, though it had not in all cases been fixed with minute exactness, sufficiently shews that it must have been in most cases a large proportion, and that the most attentive and active management was indispensibly necessary to enable a landholder to discharge his instalments with the punctuality required by the public regulations. In cases, therefore, where any inequality unfavourable to the zemindar occurred in fixing the amount of his assessment at the permanent settlement, the danger of his falling in arrear must have been enhanced; and if once in arrear, and all his estate placed under the management of a native agent deputed by the collector to hold it in attachment, and collect the rents, the dismemberment of his estate, and sale of his lands, must for the most part have been inevitable."

By this arrangement neither the amount or rate of the land tax appear to have been materially changed. The ryot had his allotted half as before, while the zemindar's tenth seems only to have been a continuance of the share he enjoyed under the old system. On this account both col. Wilks, and col. Munro have considered these zemindars as mere farmers of the revenue, or "contractors, who undertake to get a greater fixed rent for government from the ryots than can be done in any other way—engaging for a per centage to make the ryots always pay what they now do."

The division of the country however into estates; the enquiries into the revenue funds which preceded this change; the resumption of lands which were held free of revenue previous to this epoch; and the extension of the tax to lands not before subjected to it, were sudden innovations which the country proved in the sequel unable to endure, whilst the aggregate amount of revenue, so far from being lessened, as might have been expected from the preceding orders and observations of the court of directors, was very materially enhanced under this new system.

In the court of directors' letter to Bengal, dated 19th Sept. 1792, printed in Appendix to the Second Report, it is estimated (page 168) that the revenue from land and abkary (two sources) fixed by the decennial settlement, (afterwards declared to be permanent, and therefore the zemindary settlement here treated of) would amount to rupees 2,59,26,208, or the exact sum of revenue realised from the country in the year previous to the decennial settlement, that is, under the old system.—It should however be kept in mind, that the revenue under the old system was derived from three sources, lands, abkary, and sayer.—It is added that the sayer revenue, abolished at the decennial settlement, was rupees 981,192. Supposing therefore the abkary (only rupees 179,568) to be the same under both systems, it would follow from this official view of the case, that the land revenues of Bengal, under the decennial settlement, would have exceeded the amount exacted from the country under the old system, by all the amount of the abolished sayer, or 981,192 rupees.

But this is taken from a review of the decennial settlement by the court of directors previous to their having before them the arrangement complete. In the Fifth Report, page 19, we are informed, that the land revenue obtained from Bengal, Bahar, and Orissa, under this settlement in 1790-1, amounted to rupees 2,68,00,989, or sterling 3,108,915*l.* exceeding therefore the amount realised in the year previous to the decennial settlement (2,59,26,208) in the sum of rupees 874,781.—This added to the sayer revenue, abolished at the decennial settlement, makes the excess of land revenue under the new system, according to this more correct view, upwards of 17 lacs of sicca rupees, or sterling 212,000*l.*

In the Second Report, page 18, it is also stated, "Upon a general calculation the amount of revenue expected under the decennial or permanent settlement was 260 lacs of sicca rupees, or 3,016,000*l.* The annual collections exceeding that sum are principally to be attributed to the increased amount of sayer*, and abkary duties, to the rents of land not included in the jumma, and in other extraordinary revenues; in some instances to progressive rents; to increased rents on lands not originally settled; or to resumptions on the principles of the regulations."

In 1793 the court of directors estimate the Bengal land revenue (Second Report, Appendix iii.) at 3,025,000*l.*

In the same year the decennial settlement was declared in Bengal to be permanent and unalterable for ever. (See Rep. page 18.)

The select committee however observe (page 17) "The estimate (i. e. of land revenue) formed in 1793, has been exceeded in each year, notwithstanding the interruptions which have been occasionally experienced from the vicissitudes of seasons."

Independent, therefore, of increase from the abkary, we have, in the documents here referred to, official grounds to be assured, that the land revenue taken from the Bengal provinces under the new system considerably exceeded the amount realized under the operation of the old exorbitant tax of half-produce, not only in the first year of its introduction, but in every succeeding one.

Although some may deem this constant excess of land revenue to be a proof of the wealth and prosperity of the districts in question; to others it will fully account for the almost unheard-of misery which seems to have been the immediate effect of the zemindary settlement in Bengal, and which in the Fifth Report, page 60, is described to be "such a harsh and oppressive system as was never before resorted to in this country"—and to have "produced more distress and beggary, and a greater change in the landed property of Bengal, than has perhaps ever happened in the same space of time in any age or country, by the mere effect of internal regulations."

The nature and operation of the permanent settlement at Madras, known there by the name of the Mootahdary settlement, are sufficiently described in Meer Gholaum Ally's letter; whilst of the state of those districts under the old system of revenue, which we had continued to them from the time of our Mussulman predecessors, the extract from my lord Wellesley's letter gives a most melancholy but too true a picture.

Of the basis indeed of all these revenue systems, new and old, it may be further observed, that in the choice of despotic precedents the farthest removed from natural justice has been preferred in our several settlements. On the principle of Mahommedan taxation, already quoted, one-half of the produce is taken as the ransom of the husbandman's life: the commentary of Jagganatha leaves the whole earth itself to the discretion of "the protective conqueror:" the main pillars of the permanent or zemindary settlement stand on no better grounds than these.

But although the principle and practice be perfectly reconcilable with the tenets of Mahomet, from whom they are derived, other Hindoos will be found to be less complaisant than Jagganatha; from whose own commentary it appears, that even after stating this despotic principle of right of property in the soil, the despot was required to content himself with a sixth of the produce in ordinary times, and only took a fourth in times of urgent necessity, as "of war or invasion." It is indeed certain, that in no part of the world but India, was such a system of taxation ever attempted to be enforced, if ever thought of: nor is it less clear, that even in India the imposition is of a modern and recent date: the declaration of its permanency then was surely made by a Christian government, without sufficient reflection who were its authors, and what must be its lasting effects on the condition and minds of the subjects.

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* The sayer or internal customs, I apprehend, are mentioned here, as a source of increase, through inadvertence, as they were abolished at the decennial settlement.

With respectful deference to the Select Committee of the House of Commons, who have bestowed so much labour on the affairs of India, the author must record his dissent from the opinion quoted above, if it is meant to leave an impression on the public mind, that the tax of half produce was anterior to the entry of the Mahommedans: if the language of the Committee were only intended to be applied to the waste lands as remaining subject to the ordinary rate of taxation, whenever they might be brought into cultivation, this would not be questioned; but there is decisive evidence to prove that before and even since the period of the Mogul invasion, and the establishment of their despotism, the portion of the produce of land allotted to the state was a sixth, in many instances only a tenth.

A brief review of the different rates imposed by sovereigns, in different ages and nations, will furnish the strongest objections to the further continuance of this unexampled burthen.

The first recorded land tax was introduced by Joseph, in the rich agricultural country of Egypt, while it was desolated by an extraordinary famine. In the 41st chapter of Genesis we are told,

"When all the land of Egypt was famished, the people cried to Pharaoh for bread: and Pharaoh said unto all the Egyptians, Go unto Joseph, and what he saith to you do; and Joseph opened all the store-houses, and sold unto the Egyptians. (Chap. 47.) And Joseph gathered up all the money which was found in the land of Egypt for the corn which they bought: and when the money failed, Joseph said, Give your cattle: and he fed them with bread for all their cattle for that year. When that year was ended, Joseph bought all the land of Egypt, for the Egyptians sold every man his field, because the famine prevailed over them: so the land became Pharaoh's, only the land of the priests he bought not."

"Then Joseph said unto the people, 'Behold, I have bought you this day and your land for Pharaoh: lo! here is seed for you, and ye shall sow the land, and in the increase ye shall give the fifth part to Pharaoh, and four parts shall be your own, for seed of the field, and for your food, and for them of your households, and for food for your little ones.' And Joseph made it a law over the land of Egypt unto this day, that Pharaoh should have the fifth part, except the land of the priests only, which became not Pharaoh's."

The recital of this transaction is characterized with the beautiful simplicity of Holy Writ; and it is important to our argument, that after Joseph had acquired all the lands of Egypt, by a solemn compact, and for a valuable consideration, he found it consistent with sound policy, and proper consideration for the welfare of the people, to levy only one-fifth of the produce; the remaining four parts being necessary for seed and for the cultivator's food, and for them of their households, and for their children, in Egypt, as in fact it must be every where.

The fertility of the lands washed by the Nile is not less celebrated than those of India: and had less than four-fifths sufficed for the maintenance of the cultivators, there is no reason why Joseph might not have taken more than one-fifth for Pharaoh, in the situation of legal and peaceable proprietor of all the land of Egypt: but every collateral circumstance makes even the establishment of a land tax, at the rate of one-fifth, appear to have been considered extraordinary: that it was new in Egypt is evident from the accompanying detail; and when Moses enacted a permanent revenue from the resources of a country to which he led the Israelites, "a land flowing with milk and honey," although he might have stipulated the same allowance for the support of the hierarchy in Canaan, as Joseph had settled upon royalty in Egypt, and little doubt can be entertained but men who had witnessed the levying of one fifth, would have willingly paid the same, as a condition of obtaining vineyards, &c. "which they had not planted;" yet a more liberal policy seems to have actuated the Jewish lawgiver, who was content with a tythe "of the seed of the land, and the fruit of the tree." Leviticus 27.

Sicily, the next most fertile country of antiquity, was taxed by the masters of the world at only one-tenth, and Cicero's animated exclamation against Verres for taking more might be repeated to the present sovereigns of India: "Numquid præter singulas decumas debent?"—Cic. 7 Verr.

Spain[*] paid only one-twentieth. Livy, lib. 43, c. 2.

"A tenth is the traditional share paid in India, before the institution of the sixth. It is the portion paid in the little principality of Coorg at this day, and the Dutch found and continued that tax at Ceylon."

The rate established by Joseph in Egypt may be considered as the utmost extent of taxation in his age, perhaps for many ages after him.

"Menu,[†] the Indian lawgiver, who is by some taken for Minos, and who flourished 880 years before Christ, states the taxes of various kinds, which may be levied by the king. Of the produce of land, a sixth is the largest share which can be taken in ordinary circumstances, and a fourth in times of urgent distress; but the whole tenour of the Institutes, (cap. 8, v. 384, 308. Digest. Grot. 11, p. 168.) and the digest shew, that the sixth part of the crop is the king's share, which is constantly in the contemplation of all Hindoo lawyers."

"Pandian,[‡] ANNO DOM. 1252, taking advantage of a civil war, invaded Canara in ships, and conquered the country. Before his time the sixth had been received in the rough grain; but he imposed on his subjects the task of delivering it deprived of its husks in a state fit for food, thereby increasing the revenue about 10 per cent. which is the estimated expence of this operation.

"This mode of payment continued until the establishment of a new government at Vedeyanuggar, founded by fugitives from the subverted government of Warangal, when the Pandyan dynasty of Canara, having reached the period of its decline, yielded to the rising state in 1336."

"The minister and spiritual preceptor Vedeyaranya, under whose auspices the new dynasty was erected, composed a work on law and government, which is still extant in many hands, and easily procurable. It was intended as a manual for the officers of state: is founded on the text of Parasara, with a copious commentary by Vedeyaranya, assigning as usual to the king one-sixth as the royal share of the crop, and very rudely pronouncing the king, who takes more, to be infamous in this world, and consigned to Nareka (the infernal regions) in the next."

"This share Vedeyaranya was desirous of converting from a grain to a money payment, and he established fixed rules for the conversion, founded on the quantity of land, the requisite seed, the average increase, and the value of the grain."

The result literally conforms to the law of the digest.

$$\left.\begin{array}{l}\frac{1}{6}\text{ to the King}\ldots\ldots\ldots\ldots\ldots = \frac{10}{60}\\ \frac{1}{30}\text{ to the Bramins}\ldots\ldots\ldots = \frac{2}{60}\\ \frac{1}{20}\text{ to the Gods}\ldots\ldots\ldots\ldots = \frac{3}{60}\end{array}\right\}\frac{15}{60}=\frac{1}{4}$$

$$\begin{array}{lr}\text{The rest to the Proprietor}\ldots\ldots\ldots & \frac{45}{60}=\frac{3}{4}\\ \cline{2-2} & 1\\ \cline{2-2}\end{array}$$

Colonel Wilks further informs us, that for the division of the produce, 30 being the whole number, it is calculated that

15, or $\frac{1}{2}$, is consumed in the expences of agriculture, and the maintenance of the farmer's family.
$5 = \frac{1}{6}$ to the Sovereign.
$1,5 = \frac{1}{20}$ to the Bramins.
$1 = \frac{1}{30}$ to the Gods.
$7,5 = \frac{1}{4}$ to the Proprietors as net rent or income.
$\overline{30,0}$

In the disquisition on the property in the soil from Mr. Colebrook's Translation of the Digest of Hindoo Law, by Jaganatha Tercapanchanana, we find the following interesting passages:

"Having ascertained the rates of purchase and sale, the length of the way, the expences of food, the charges of securing the goods carried, and the net profits of trade, let the king oblige traders to pay taxes on their saleable commodities:"—Menu.

"After full consideration, let a king so levy those taxes continually in his dominions, that both he and the merchant may receive a just compensation for their several acts."

"As the leech, the suckling calf, and the bee, take their natural food by little and little, thus must a king draw from his dominions an annual revenue."

"Of cattle, of gems, of gold and silver, added each year to the capital stock, a fiftieth part may be taken by the king; of grain, an eighth part, a sixth, or a twelfth."

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[*] See colonel Wilks on the South of India, chap. 5.

[†] Wilks, 126. [‡] Ibid.

"He may also take a sixth part of the clear annual increase of trees, flesh-meat, honey, clarified butter, perfumes, medical substances, liquids, flowers, roots, and fruit. — Of gathered leaves, pot-herbs, grass, utensils made with leather or cane, earthen pots, and all things made of stone."

"Let him not cut up his own root by taking no revenue, nor the root of other men by excess of covetousness; for, by cutting up his own roots, and theirs, he makes both himself and them wretched."

"Let the king so act, that he also may receive benefit out of the profits of trade which remain after defraying charges, and that the merchant may receive just compensation for his labours."

"Let the king gather blossom after blossom, like the florist in the garden; and not extirpate the plant, like a burner of charcoal."—Parasara.

"As the florist in the garden plucks blossoms successively put forth, and does not eradicate the flowering shrub; so should the king, drawing revenue from his subjects, take the sixth part of the actual produce: but the maker of charcoal, extirpating the tree, burns the whole plant; let not the king so treat his subjects."—Madhava.

"Giving a sixth part to the king, a twenty-first part to deities, and a thirtieth part to the priests, a man offends not by applying himself to agriculture."—Vrihaspati.

"A military king, who takes even a fourth part of the crops of his realm at a time of urgent necessity, as of war or invasion, and protects his people to the utmost of his power, commits no sin."—Menu.

A comparison of the tax of half produce, levied on the husbandmen of India, with the modern rates of taxation in other countries, will present to the reader, accustomed only to European modes of assessment, this anomaly, that in India government stands in the double capacity of sovereign and landlord; the respectable class of what in Great Britain is denominated the landed interest, a class renowned for wealth and independent principles, and always considered as the principal bulwark of the nation, ceases to exist: between the governors and the husbandmen, or labourers, there is found only a class of officers, appointed to enforce the tax, and collect the half of the produce; for such, it is acknowledged and recorded in the Fifth Report, are the zemindars themselves, with no other advantage over the revenue officers of Europe, but that of their employments being hereditary. The land-tax of India is not, as with us, assessed on a landlord's rent, but on the gross produce of the ground. This is the original and only basis of the zemindary settlement, and of every other attempted improvement in the revenue system of the country.

With this distinction premised, the following extract from the author's Essay on Taxation, which is placed on the records of the Bombay government (8th July 1808*), will exhibit the enormous difference between the burthen of Indian taxation, and that of other civilized states.

"The land-tax in England,† though nominally four shillings in the pound, varies in different districts from four to one shilling in the pound, and in some less: and this is calculated on a very moderate value of estates, framed in 1692, in the reign of William the 3d."

"The land tax (rente fonciére) in France, is stated, in their own reports, to have been universally complained of as heavy, and to have fallen very unequally, although only a professed fifth of the net produce."

"In the ancient dominions of the king of Prussia, the land-tax is said to be assessed at the rate of 20, 25, 33, 38, 40, 45, and 50 per cent of the revenue of the proprietors, according to their different ranks or privileges, and this country is consequently far behind England in point of prosperity."

"In Arthur Young's account of Lombardy, a very minute detail is given of the gross produce, rent, and taxation, of land."

"In the Milanese, taking 100 pertiche, he states its gross produce in corn, wine, and silk, at 1836 livres, of which the proprietor's net share (rent) is 785 livres, exclusive of tax. Land of this rent and value pays 15½ soldi per pertica, or 77 livres, on the hundred (pertiche). The tax is paid by the farmer; but if it were not, it would form a part of the landlord's share, making this latter 862 livres, which is equal to 8*l.* 18*s.* per cent. or 1*s.* 9*d.* in the pound. Only half of this contribution of 77 livres goes to the sovereign, the other half is retained for roads, bridges, and parochial charges, and in some cases the partial support of the curees is included."

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* See Papers ordered by the House of Commons to be printed, 22d of June, 1813.

† Essay on Taxation and Revenue, by the author, page 28.

"In the ecclesiastical state of Bologna, the land-tax is computed at only* 2*d.* the English acre. In Parma about 9*d.* and in Modena the common calculation is, that all taxes whatever only equal a fifth of the gross produce of land."

"In Tuscany the land-tax is, in many places, redeemed: that part of it which is paid to communities for roads, &c. and is not thus redeemable, amounts to no more than one-tenth of the net rent. From the general tenor of Mr. Young's observations, I should conclude, therefore, the whole of the land-tax, previous to redemption, to have been one fifth of the net rent."

"In the Venetian territory all the arable lands, which are given in lease to farmers, are taxed at a tenth of the rent. When the proprietor cultivates his own lands, they are valued according to an equitable estimation, and he is allowed a deduction of one-fifth of the tax, so that for such lands, he pays only eight, instead of ten per cent. of the supposed rent."†

"With regard to our other tax, as referrible to the actual produce of the lands, and purporting to be one half of that produce, it may be briefly observed, that Dr. Davenant states the land rents of England, generally, to be to the gross produce as nine to twenty-one, or three-sevenths, and the rents of corn lands as two-ninths only of the produce."

"Dr. Smith says, that in the present state of Europe, the share of the landlord (rent) seldom exceeds a third, sometimes not a fourth, of the whole produce of the land! It is therefore very clear, that in Europe, were there no landlords in the way, the lands generally would never pay a tax to the state of half-produce."

"In China the principal revenue of the sovereign consists in a tenth part of the produce of all the lands of the empire: this tenth part however is estimated so very moderately, that in many provinces, it is said not to exceed a thirtieth part of the ordinary produce."*

"But it may be safely alledged, on the grounds of experience, that though some lands may be sufficiently rich to yield half their produce to a landlord or government, the other half being sufficient to defray the charges and reasonable profits of cultivation, yet this is not the case generally: in the majority of lands it will require from six to eight-tenths of the produce, and sometimes more, to defray the charges and profits above mentioned; and it then follows, that a tax, regularly and correctly assessed at half the actual produce of lands, would not leave to the inhabitants of any extensive country under heaven a sufficiency to subsist on."

"Although† the principle of a tax at half-produce be very general in India, it may be difficult to state when and where it had its origin. It may, however, confidently be asserted, that it arose out of some violent overthrow of the natural order of societies, and is decidedly foreign to the ancient institutions of the Hindoos, under which India is supposed to have long flourished; for,

"First, the erection of a class of landed proprietors, is, according to the free course of nature's laws, as certain and evident a consequence of the cultivation of land, as the production of a plant from its seed. The more fortunate, the more strong, or the more industrious among the first cultivators, who were the first proprietors of the earth, would soon extend their possessions beyond their own individual means of tillage. Cultivation by tenantry would ensue; and land proprietors, properly so called, being thus established, would, in the ordinary progress of civilized society and population, naturally become more numerous, more extensive, and more wealthy. That these proprietors formerly existed, and perhaps universally in India, there cannot be the least doubt; it is equally certain, that they must cease to exist where the ruling power would absorb all the produce of the soil beyond a bare maintenance to the wretched cultivators. That existence therefore must have been crushed at some later period, and the landed proprietors swept away by the torrent of violence from those countries where this principle of taxation was first enforced."

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* (By the author.) It is a common rule in Salsette to estimate the average produce of a begah of land at one morah of batty. A begah is about three-fourths of an acre. The morah of batty is rated at 20 rupees, one third of which is the government share, or somewhat less than seven rupees per begah. At this rate even the reduced land-tax on Salsette would average upwards of a guinea per acre.

† Wealth of Nations, vol. 3, p. 263.

* Wealth of Nations, vol. 3, p. 263.

† Fureker's Remarks on Taxation and Revenue, 7th July 1808, p. 50.

"Secondly, we are informed that the Mahabharata authorizes the prince to levy a fifth of the produce of mines, and a tenth of the corn." Menu and other legislators "authorize the sovereign to exact a sixth, an eighth, or a twelfth of the grain, according to circumstances; and a sixth part of the clear annual increase of the trees." The Institutes of Akber record; that former monarchies of Hindoostan exacted the sixth part of the produce of lands. Under Akber the revenue was settled at a third of the average produce of lands; and in Mr. Grant's Observations on the Revenues of Bengal, the assessment is said to have been limited not to exceed in the whole a fourth of the actual produce of the soil.

"The whole section here referred to, 'of tribute and taxes,' is very interesting, and applicable to the present question: it states the rates in Turkey, Turan, and Iran, to be a sixth or fifth and a tenth of the produce, and gives a detailed account of the Akberian rates of collection from different descriptions of land. The subjoined account, taken from ancient Hindoo works of great repute, was furnished by a pundit in Bombay."

"Translate of the comment of the twenty-fifth stanza, in section sixty-eight of the chapter Shantee Punva, a division of Mahabharat, written by Kiâs, which treats on the state policy, and wherein Bheestna tells Rajah Dhuram how much tribute a rajah should collect from his subjects."

"One sixth part of whatever the subjects will produce from their land, and the same to be applied for their maintenance. Then whence shall the râjah get money for his expences?—I observe, he is to receive one-sixth of the produce of land from his subjects, after measuring the grains, and no more; to levy fines on the offenders, as well as on those that become variously vicious, and annoy others, or to conquer the kingdoms of others by his own valour, and thus gain wealth: also, to collect customs from the merchants on goods they import by ships, or on bullocks. Through all these means he shall raise funds, thereby to defray his charges and to protect his subjects—not to become indolent himself in pursuing all these measures. The subjects also, with willingness, are to pay the rajah's cess."

Neelkund Bhut, son of Narayan Bhut, an author of a book, intituled, "Mayookh Darmashatra," or "Religious Institutions," in which he treats on the subject of policy, observes,

"That the rajah should show pride, and be compassionate, and receive from his subjects, from year to year, one-sixth part of the produce, and protect them: if this be neglected, he shall be liable to share half of whatever sins they may commit, because he receives tribute from them."

"Translate of the paraphrase of a stanza, the author Callidasa inserts in the first chapter of a book written by him, intituled, "Raja Wounee.""

"The rajah, for the purpose of doing good to his subjects, shall collect from them one-sixth of the produce."

The author adds the following simile; "That the sun attracts water, and pours down, seasonably, a thousand times more than the attracted quantity, as the people on the earth want; so the rajah, having received a sixth part of the produce, ought to expend a thousand times as much for the defence of his subjects."

"In Malabar, we have the authority of the printed Report of the first commissioners, a work distinguished for its useful and accurate information, to be assured that no land revenue was collected by its ancient princes; and that when expensive preparations become necessary against apprehended invasion, they only exacted from the landholders a fifth of their produce. This information is the more valuable, as the aboriginal laws and customs of the Malabarians seem to have been preserved unimpaired from time immemorial, down to the subversion of their principalities and government in 1766, by the power of Hyder Ally, and must have had some reference at least to the established usages of surrounding countries."

"It is remarkable, that the practice of the Malabarians has in this respect a striking coincidence with a Jewish ordinance. The Malabar rajahs have from time immemorial possessed landed estates, from which to support the princely dignity; and exacted no land tax from their subjects. In the divine command, through Ezekiel, to the Jews, on their prophesied restoration to the land of their fathers, we find the following injunctions in respect to their princes.

"Chap. xvi. ver. 7 and 8. "And a portion (of the land) shall be for the prince, &c. &c." (describing its situation and extent.)

"In the land shall be his possession in Israel: and my princes shall no more oppress my people; and the rest of the land shall they give to the house of Israel according to their tribes."

"Chap. xlvi. v. 18. "Moreover the prince shall not take of the people's inheritance by oppression, to thrust them out of their possession; but he shall give his sons inheritance out of his own possession: that my people be not scattered every man from his possession."

"It would seem from this latter verse, too, that the prophet clearly foresaw both the advantage and absolute necessity of restricting the prince and his posterity to their own prescribed inheritance, lest the scattering of the people from their possessions, should be, as he well knew, the infallible consequence of the sovereign becoming general or universal proprietor of the soil; and as is so clearly exemplified in most of the modern governments of India.

"In Guzerat it is also ascertained, that no such principle of taxation was in general force, up to the period of the Mahomedan conquest; and that even after the introduction of the Mussulman power, the Grassia landholders successfully resisted, as they do to this day, the payment of any such tax;" and,

"In Salsette, authentic records are still extant to prove, that it was not adopted by the Portuguese government. A statement now in my possession, procured from the records at Goa, exhibits the whole of the land revenue derived from the island by that government, as amounting only to 20,000 purdaws, or about 10,000 rupees per annum; whilst the lands were given up in undisturbed and undisputed possession to individual proprietors, who thus became numerous, respectable, and wealthy."

"If therefore the principle here discussed, shall be neither found to be sanctioned by the old legal institutions of the country, or by the natural established order of societies; and if violence, or the effects of despotic power, be its probable origin; it will, I hope, be allowed no claim to the privilege of being perpetuated in the civil institutions of a just and moderate government, merely because preceding conquerors had enforced it. Precedent, prejudice, or prescription, the common motives of human action, may very properly sanction in established practice what is right; may even justify what is indifferent, but can never excuse what a candid examination at the shrine of reason would prove to be decidedly wrong. Unconsciousness of evil may indeed be some excuse for errors from precedent; but to err with our eyes open is an unjustifiable aggravation of injury."

"That the principle of a tax of half produce owes its origin to violence, to conquest, or the more gradual oppressive exercise of despotic power, is rendered still further probable, from the circumstance of our having several traces of the division of half-produce being the rate adopted between landed proprietors and their tenantry or cultivators: we know it existed on Salsette, during the time of the Portuguese; it still appears to obtain in the Bengal provinces under the permanent settlement; it is probable therefore the principle may have been formerly more general; and on the annihilation, or expulsion of proprietors, it would be but natural for the despot who took their place, to appropriate also to himself their share in the produce of the soil. This was actually the case on Salsette, when the Mahrattas took the island from the Portuguese. The conquerors adopting the principle of a tax at half-produce (which was before this the landholders share only, not that of the displaced government), the class of proprietors soon disappeared; and in Malabar (independent of the violent expulsion of the whole class of landholders by the Mahomedan power) many instances came within my own personal knowledge of landed proprietors, after their return under our government, abandoning their estates to their farmers, desiring them to be responsible for the required revenue, in consequence of our local officers having been enabled partially to enforce the same tax."

"But the rate of division between proprietors and their tenants, is a very fallacious ground of assumption in behalf of a government tax; since the rent of an estate paid to a landlord, and a land revenue paid to a government, are entirely and essentially different both in their nature and effects.

"The aggregate amount of revenue is chiefly divided into small stipends or sala-

-ries, the expenditure of which has very little influence on the industry, and consequently on the comforts and wealth of the society. Of those deriving large salaries, from which they still only accumulate fortunes in a long series of years, few or none remain to expend them in this country."

"But the aggregate amount of rent contributes immediately to the elevation of a class of wealthy proprietors in the state, whose expenditure is the only natural means of stimulating general industry, and of promoting the general wealth and comforts of the society."

"The amount of revenue is often expended on purposes foreign to the promotion of industry, and at a distance from the place of its collection; not unfrequently, in foreign and even inimical countries."

"But the rent of resident landed proprietors is always expended in the promotion of individual and domestic industry, and chiefly on the spot."

"Proprietors and their tenantry are left to a reciprocal view of their own interests, in arranging their respective terms of tenure. In the natural order of things, both one and the other would of necessity be equally consulted."

"But the division of produce between a government and its cultivators, must as necessarily be almost always arbitrary; whence we find the interests of one party only considered, and those of the other almost wholly neglected."

"The local experience of resident landed proprietors, and their own private interests, naturally suggest the most advisable measures for improving the produce of their estates, which is most effectually accomplished by improving the condition and resources of their farmers; and the natural impulses of humanity establish an intercourse of kindness and assistance between a lord and his dependants, which the latter can never experience or expect from personal intercourse with a government. Its local officers have no interest in local improvements, but a manifest one in local exactions for their own benefit: in the first case, the interest of the proprietors and tenant are co-operative to the same useful end, and the public good is promoted; in the latter case, the interests of the local officer and tenant are decidedly at variance, and the public good is effectually frustrated."

"In short, it would seem to be impossible for a government in any way to occupy lands to any useful end; both the possession and the cultivation of the soil is the exclusive business of subjects, and should be surrendered to them; unrestrained interference on the part of the prince is an infringement on their rights, their privileges, and their duties: in India it has even extinguished a class in the order of society, without which no society can materially improve: it is foreign to the object of protection; a clear violation of the order of nature; and we need be no longer surprised at its militating no less against individual prosperity, than against the amelioration, when required, of the resources of the state."

There is a manifest concordance of these suggestions with the conclusions of the Select Committee of the House of Commons, and with their numerous quotations of opinions extracted from the official representations of distinguished officers, in the service of the East India Company. Referring to the Fifth Report for the recorded opinions of lieut.-colonel Munro, Mr. Ravenshaw, Mr. Thackeray and others, it may suffice to select the following as a decisive declaration of the impression on the minds of the Committee themselves, as to the necessity and nature of the improvement, which it is the sole object of these pages to recommend.

"Your Committee* have deemed it proper to bring under the notice of the House this gratifying instance of a province, which was, in so short a space of time, restored from a condition of the lowest depression to one of comparative prosperity, (under the management of Mr. Ravenshaw.) In a former part of their Report they had occasion to state another extraordinary instance of the same kind, in regard to the management of the ceded districts, during the seven years they were under the enlightened superintendence of lieut.-colonel Thomas Munro: they both furnish undeniable proofs of the important good effects which have resulted from the establishment of moderate rents, and especially a system of adequate protection to individual rights and property. The amelioration which has taken place in the condition of the provinces, which the Committee have here particularly referred to, and which, in a greater or less degree, has been produced in the other parts of the modern territory, under the Madras presidency, is undoubtedly in a great measure to be ascribed to the talents, activity, zeal, and experience of the collectors; but your Committee are thoroughly satisfied, that all these qualities combined could not have enabled them, so generally, to have improved the situation of the provinces under their charge, had they not paid particular regard to moderation of rent. The great practical principle enforced in all their Reports, by lieut.-colonel Munro and the other collectors, whose revenue administration has been the most prosperous, the principle on which they acted themselves, when left to their own discretion, and which they never ceased to press on their assistants, was this, that to enable a country which had been long oppressed to attain a flourishing state, assessment must first be low, and can be increased only with its increasing improvement; and that one year of over assessment would throw it back, beyond the power of several favourable seasons again to recover."

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* Fifth Report, page 155.

With so many arguments drawn from history, and the example of existing states, with yet more forcible objections from natural justice, and (may it not be added?) from religion itself, against the burthen of Indian taxation, which is so properly appreciated in the reports to parliament, and condemned even in the letters of the court of directors, the policy of its continuance ought to have some extraordinary and unquestionable grounds of justification.

There is none in an expenditure of the revenue on objects of public utility to the inhabitants of the country from which it is thus obtained: our system of taxation has little resemblance to the attraction of water by the solar rays, to be returned in refreshing showers, and impregnating dew or rain on the ground whence it is drawn: very different is the absorption of a foreign monopoly, which, alas! has no elements of reproduction: a perpetual drain to the empty coffers of a distant treasury, leaves the natives no consolation in the spectacle of increasing local improvements: the soil is exhausted, and the ryot of India bewails his privations, unheard and unseen by his European and Christian masters.

Neither is there much advantage actually realized to the proprietors, who claim this revenue in Britain, if the published accounts of the East India Company might have our assent; for they represent the ordinary receipts from their territories, to be some millions sterling less than the ordinary expenditure; and indeed it is found by a Committee of the House of Commons, on examination of their accounts for seventeen years, ending in 1809, that with all their revenues, and all the exclusive trading privileges of their expiring charter, they have contracted new debts within the period, exceeding the value of all their effects, at home and abroad, by more than twelve millions sterling.

The permanent settlement of this unexampled tax on the produce of lands in India has not the plea of justification, which might be valid in other countries, of a corresponding amount of reciprocal benefits to the Indians, who pay it: nor that of proportional advantages, ever ascertained to the European proprietors for whom it is levied.

To the judgment of a discerning British public, it is therefore submitted, that in the continuance of this tax policy itself is disregarded, justice violated, humanity outraged, and Christianity forgotten or contemned.

There are extremely good reasons for believing, that it is the baneful spirit of monopoly which occasions all the disasters of the East India Company, and thus perpetuates the misery of their subjects. Whatever humanity, or national honour, might add to the suggestions here offered, with a view to improve the condition of the Indian husbandman, and alleviate the burthen of taxation under which he groans, it is a mortifying consideration that the same tribute which was first offered at the shrine of the prophet of Mecca, now termed revenue, and still amounting to one half the produce of the soil, is continued and declared to be permanent and unalterable for ever, in order to indemnify the losses, and repair the dilapidations of a commercial sovereignty in London; whose exhausted treasury has no resource for mercantile or political operations, for the payment of dividends on stock or interest on debt, but this revenue, thus drawn from the agricultural industry, as a vital stream from the heart of India.

INDEX

TO VOL. XXVII.

INDEX TO DEBATES IN THE HOUSE OF LORDS.

Adjournment of Parliament, 286.
Appeals, 230, 1025.

Beresford, Lord, 819.

Civil Liberty, 417, 607, 739, 767, 955.
Clergy Penalties Bill, 178, 193, 198, 865.
Corn Laws, 652, 1065.
Custom House; Fire at the, 323.

Declaration of the Allied Powers, 285.
Debtors; Insolvent, 97, 163, 181, 205, 222, 229.
Dulwich College, 588, 923.

East India Circuitous Trade Bill, 281.

Frame Breaking Bill, 275.

Gold Coin Bill, 543.

Half-pay Officers, 820.
Helleston Election Bill, 545.
Hill, Lord, 819.

Imprisonment on Mesne Process, 418, 607, 739, 767, 955.
Insolvent Debtors, 97, 163, 181, 205, 222, 229.

Loan Interest Bill, 196.
Lynedock, Lord, 818.

Madder Duties Act; Mistake in, 278.
Mesne Process; Imprisonment on, 418, 607, 739, 767, 955.
Message from the Prince Regent, recommending a further Adjournment, 324.
Militia Service Bill, 174.
Mutiny Bill, 244.

Negociations for Peace; Rupture of, 407, 448.

Norway, 586, 653, 727, 768.

Prince Regent's Speech at the Opening of the Session, 1.
Prince Regent's Message, recommending a further Adjournment, 324.
Prince Regent's Message respecting the Duke of Wellington, 767, 812.

Rupture of the Negociations for Peace, 407, 448.

Slave Trade, 243, 647, 656.
Speech of the Prince Regent at the Opening of the Session, 1.
St. Sebastian; Capture of, 45.
Suspension of Hostilities, 559.
Sweden and Norway, 727.

Treaties, 44, 619, 1068.

Wellington, Duke of, 45, 346, 655, 767, 812.

INDEX TO DEBATES IN THE HOUSE OF COMMONS.

Abercromby, General; his Answer to the Vote of Thanks, 42.
Adjournment of Parliament, 284, 300, 412, 427.
Ainslie, Governor, 522, 575.
Amnesty to Subjects of France, 337.
Anson, Major General, 80.
Apprentice Laws, 224, 423, 545, 563, 879.
Apothecaries' Petition, 164.
Army Extraordinaries, 1032, 1042.

Bank Restriction Bill, 525.
Beresford, Lord, 832.
Brandy, Duties on, 219, 225.
British Museum, 430.

Cambridge Canal, 620.
Catholic Petitions, 456, 1016, 1027.
Child Stealing Bill, 929.
Clergy Penalties Bill, 128, 168, 355, 360, 371, 395, 404, 409, 462, 551, 741.
Colonial Appointments, 375.
Clock-Makers of London; their Petition, 1072.
Colonial Officers' Bill, 339, 365, 434, 522, 731.
Colville, Captain, 649.
Convoy Bill, 867.
Copper Currency, 276, 284, 410.
Copy Rights, 810, 965.
Corn Laws, 417, 523, 665, 875, 891, 895, 940, 962, 965, 989, 991, 1010, 1020, 1026, 1028, 1047, 1070, 1084.
Corruption of Blood, 342, 360, 527.
Custom House, 414.

Danish Treaty, 824.
Debtors; Insolvent, 76, 95, 123, 157, 232, 241, 256, 266.
De Berenger, Mr. 969, 997.

Declaration of the Allied Powers, 299.
Droits of Admiralty, 524.
Dublin Foundling Hospital, 545.
Duncan, Mr.; his Petition, 526.

East India Company, 924.
East India Sugar Duties, 201.
East India Circuitous Trade Bill, 214, 225, 229, 268.
East India Shipping Regulation Bill, 394.
East India Company's Charter; Mr. Rickards' Speeches on the Renewal of, 1102.
Elections Expence Bill, 377, 546, 742, 888.
Erith Canal Bill, 886.

Fees of Courts of Justice, 399.
Frame Breaking Bill, 208, 218, 238, 246, 266.
Freehold Estates Bill, 397, 592.

Galway Election, 121.
Gaols of London and Southwark; State of, 372, 748.
Garrow, Sir William; his Appointment, 329.
Gold Coin Bill, 393.
Gore; Governor, 648.
Graham, Sir Thomas, 67.
Grant, Mr. Charles, jun.; his Indemnity Bill, 340.

Hackney Poor Bill, 385.
Helleston Election, 49, 179, 195.
High Bailiff of Westminster, 584, 1019.
High Treason Punishment Bill, 538.
Hill, Lord, 832, 1035.
Holborn and Finsbury Sewers Amendment Bill, 812.

Impressment of Seamen, 1030.
Insolvent Debtors, 76, 95, 123, 157, 232, 241, 256, 266.
Insolvent Foreigners, 177.
Ireland; Population of, 430.
Irish Election Laws, 359.
Irish Spirits, 1036.

Le Marchant, Mr.; his Appointment, 431, 524.
Loan, 107.
London Militia, 187.
Lynedock, Lord, 832, 989, 1034.

Mad-Houses; Private, 416.
Madder Duty Bill, 186.
Mallison, Mr.; his Petition, 867.
Manby, Captain, 728.
Marine Mutiny Bill, 199.
Mayo Petition, 383.
Militia Service Bill, 83, 110, 158, 188.
Mutiny Bill, 215.

Navy Estimates, 69, 871.
Negociations for Peace; Rupture of the, 411, 432.
Newgate; State of, 259.
Norway, 462, 591, 631, 834.

Orange; Prince of, 282.
Orders of the House, 820.

Paris; Papers relating to the Counter Revolution at, 662.
Picton, Sir Thomas, 81.
Police Magistrates, 219.
Poor Laws, 278, 562.
Population of Ireland, 430.
Prince Regent's Speech on Opening the Session, 22.
Prince Regent desires the House to Adjourn, 352.
Prince Regent's Debts, 461.
Prince Regent's Message respecting the Duke of Wellington, 809.
Prince Regent's Message respecting Lords Lynedock, Hill and Beresford, 809.
Princess of Wales, 1039, 1048.
Princess Charlotte of Wales, 460.
Printers of London; Petition of, 165.
Prisoners of War, 649.
Private Mad-Houses, 416.

Ramsgate Harbour Bill, 621.
Roman Catholics, 456, 931, 1016, 1027.

Shipwrights of the Port of London, 341.
Simple Contract Debts, 377, 592.
Sinking Fund, 578, 651.
Slave Trade, 576, 637.
Speaker's Speech to the Prince Regent, at the Close of the last Session, 42, 50, 386, 465.
Spirits Intercourse Committee, 428.
Stock Exchange; Fraud on the, 339.
Sugar Drawback Bill, 559, 582.
Supply, 69, 123, 172, 236, 363, 370, 384, 541.
Suspension of Hostilities, 559.

Treaties, 132, 157, 622, 650, 1078.

Weights and Measures, 810.
Wellington, Duke of, 64, 338, 349, 577, 808, 825, 873.
Wool Trade, 991.

INDEX OF NAMES.—HOUSE OF LORDS.

Bathurst, Earl, 45, 48, 174, 186, 346, 727.
Boringdon, Lord, 806.
Buckinghamshire, Earl of, 281.

Canterbury, Archbishop of, 193, 866.
Carlisle, Earl of, 451, 455.
Chester, Bishop of, 194.
Clare, Earl of, 6.

Darnley, Earl of, 48, 286, 287, 327, 655, 816.
Derby, Earl of, 328.
Digby, Earl of, 6.

Eldon, Lord, *see* Lord Chancellor.
Ellenborough, Lord, 102, 104, 163, 181, 185, 199, 205, 206, 223, 415, 589, 739, 740, 865, 866, 959.

Grenville, Lord, 11, 588, 590, 647, 656, 790, 1069.
Grey, Earl, 348, 408, 448, 449, 451, 452, 587, 620, 652, 653, 654, 727, 728, 768, 806.

Harrowby, Earl of, 784.
Holland, Lord, 97, 99, 101, 103, 104, 173, 184, 205, 207, 224, 243, 244, 246, 275, 285, 289, 586, 588, 654, 802, 865, 923, 961.

Lansdowne, Marquis of, 324.
Lauderdale, Earl of, 543, 817, 1067.
Liverpool, Earl of, 20, 22, 44, 197, 244, 245, 286, 324, 326, 329, 407, 409, 448, 449, 451, 544, 559, 587, 588, 590, 591, 619, 653, 654, 656, 739, 797, 808, 813, 818, 819, 820, 1068, 1069.
Lord Chancellor (Eldon), 98, 104, 164, 207, 208, 222, 223, 230, 278, 323, 328, 415, 591, 865, 866, 1025.

Norfolk, Duke of, 197, 329, 415, 588, 590, 818, 820, 865, 866, 923, 924.

Redesdale, Lord, 182, 205, 207, 223, 275.

Sidmouth, Viscount, 99, 173.
Stanhope, Earl, 418, 545, 607, 739, 740, 767, 817, 955, 1066, 1068.
Sussex, His Royal Highness the Duke of, 10.

Walsingham, Lord, 278.

INDEX.

INDEX OF NAMES.—HOUSE OF COMMONS.

Abbot, Right Hon. Charles, *see* Speaker.
Abercromby, J. 63, 249, 255, 264, 320, 919, 1001.
Acland, Sir T. D. 863, 976.
Addington, J. H. 77, 78, 209, 214, 219, 820, 974, 987, 1008, 1044.
Anson, Major General George, 80.
Arbuthnot, Charles, 106, 1032.
Attorney General, (Sir W. Garrow) 178, 238, 241, 246, 248, 251, 266, 823, 977, 1005.
Atkins, Alderman, J. 202, 203, 215, 225, 255, 274, 372, 394, 573, 870, 882, 963, 1014.

Bankes, H. 49, 52, 75, 196, 387, 492, 731, 964, 991.
Barham, J. 447, 1005, 1075, 1100.
Baring, Alexander, 70, 73, 75, 106, 155, 368, 402, 414, 417, 1099.
Bathurst, Hon. W. L. 446.
Bathurst, C. B. 54, 128, 157, 171, 211, 248, 355, 358, 371, 382, 383, 388, 400, 403, 407, 541, 553, 557, 732, 862, 975, 985, 999, 1019, 1035, 1040, 1046, 1057.
Bennet, H. G. 215, 461, 524, 1032.
Benson, Ralph, 202, 217.
Bernard, R. B. 1005.
Best, Mr. Serjeant, 196, 213, 250, 256, 592, 744, 882.
Brand, Thomas, 552, 620, 919, 1013, 1026.
Browne, Anthony, 220, 365, 431, 447, 524, 734.
Browne, D. 1083.
Brydges, Sir Egerton, 385, 562.
Burdett, Sir F. 729, 867, 976.
Burrell, Sir Charles, 1091.
Burrell, Mr. 941.
Byng, George, 385.

Calcraft, J. 164, 742, 886, 963.
Canning, George, 144; 510, 643, 831, 850, 867, 882, 955, 996, 1013, 1071, 1097.
Cartwright, W. R. 386, 387.
Castlereagh, Viscount, 60, 64, 72, 75, 83, 94, 95, 114, 116, 118, 119, 120, 132, 158, 160, 168, 188, 195, 201, 214, 229, 271, 283, 1082.
Chancellor of the Exchequer (Rt Hon. Nicholas Vansittart) 73. 79, 95, 106, 107, 156, 186, 194, 202, 204, 219, 222, 225, 267, 277, 280, 284, 300, 332, 334, 337, 338, 339, 340, 349, 363, 364, 389, 391, 393, 394, 400, 410, 411, 412, 413, 414, 427, 428, 432, 433, 434, 460, 461, 462, 502, 525, 559, 580, 592, 622, 632, 636, 642, 650, 652; 718, 741, 742, 825, 831, 833, 858, 874, 875, 947, 990, 995, 1084, 1093.
Clerke, Sir George, 813, 897.
Coke, T. W. 891.
Colthurst, Sir N. C. 721.
Compton, Earl, 23.
Courtenay, T. P. 926.
Creevey, Thomas, 367, 375, 406, 431, 438, 441, 575, 732, 924, 927.
Croker, J. W. 74, 868, 870, 873, 887, 1039.
Curtis, Sir William, 158, 187, 254, 373, 1072, 1097.

Davis, Hart, 879, 966.
Douglas, Hon. F. S. N. 377, 497, 550, 745, 888, 995.
Douglas, W. 719.
Dundas, William, 69, 71, 734, 871, 1038.

Eden, Mr. 241, 252, 372, 373.
Ellison, R. 878.
Elliot, W. 1063.

Fawcett, Henry, 230, 267.
Finlay, Kirkman, 225, 230, 273, 1022.
Fitzgerald, W. 417, 429, 1078.
Flood, Sir Frederick, 352, 359, 447, 811, 879, 1028.
Folkestone, Viscount, 393, 404.
Foster, A. J. 944, 954.
Fremantle, W. 577, 1042, 1045.

Garrow, Sir William, *see* Attorney General.
Gascoyne, I. 395, 964, 1072.
Giddy, Davies, 605, 810, 880, 893, 954, 965, 1011, 1027.
Goulburn, H. 340, 366, 377, 431, 436, 522, 525, 735, 824, 1033, 1034.
Grant, Charles, 229, 268, 273, 1006.
Grant, Charles, jun. 29.
Grant, J. P. 499, 876, 948, 1015, 1090.
Grattan, H. 1016, 1027.
Grenfell, P. 195, 276, 285, 322, 411, 578, 582, 651, 1021.

Halsey, Joseph, 460.
Hamilton, Lord Archibald, 335, 523, 720, 895, 927, 1030, 1092.
Hammersley, Hugh, 265.
Heathcote, Sir Gilbert, 152.
Heron, Sir Robert, 575, 576.
Hippisley, Sir J. C. 931, 938, 1018, 1028.
Horne, William, 179.
Horner, Francis, 95, 157, 212, 218, 241, 242, 247, 251, 256, 259, 264, 278, 281, 299, 632, 877, 917, 968, 986, 1006, 1023.
Howorth, H. 926, 1070.
Huskisson, William, 365, 722, 920, 953, 965, 968, 991, 1023, 1095.

Idle, C. 203.

Johnstone, A. Cochrane, 339, 999.

Keene, Whitshed, 110, 351.
Kenrick, William, 78, 79, 243, 280.
Kirkwall, Lord, 353.

Lambton, Mr. 842.
Lascelles, H. 878, 891, 1020.
Lewis, Frankland, 717, 719, 952.
Lockhart, J. 123, 178, 214, 232, 242, 255, 264, 537, 545, 546, 568, 600, 883, 888, 980, 1071.
Lushington, S. R. 550, 745, 889, 1012, 1044.

Mackintosh, Sir James, 282, 283, 301, 438, 528, 536, 748, 845, 980.
Martin, H. 742.
Marryatt, J. 202, 205, 222, 368, 443, 548, 645, 871, 922.
Mathew, Montague, 456, 520.
Mellish, W. 385, 386.
Methuen, Paul, 1039, 1040, 1054.
Mildmay, Sir Henry, 522, 576.
Milton, Lord, 889, 1008, 1084.
Monck, Sir Charles, 832.
Moore, Peter, 423, 424, 442, 573, 729, 734, 883, 1003, 1029, 1100.
Mordaunt, Sir C. 880.
Morpeth, Viscount, 42, 53, 465, 521.

Newport, Sir John, 391, 393, 399, 400, 401, 403, 429, 498, 548, 719, 744, 820, 821, 824, 876, 936, 939, 995, 1004, 1011, 1036, 1074, 1077, 1098.

Onslow, Mr. Serjeant, 50, 180,

224, 280, 423, 563, 571, 930.
Ossulston, Viscount, 337.

Palmerston, Viscount, 215.
Parnell, Sir Henry, 524, 666, 707, 725, 875, 922, 934, 937, 942, 967, 994, 1012, 1022.
Peel, Robert, 430, 545, 935, 938, 994.
Phillips, George, 571, 1093.
Picton, Sir Thomas, 82.
Piggott, Sir Arthur, 593.
Plunkett, W. G. 403, 502.
Ponsonby, G. 335, 387, 390, 402, 411, 412, 413, 642, 823, 830, 858, 977, 1040, 1063.
Porter, General, 1011.
Preston, R. 383, 537, 593, 988, 996, 1013, 1091.
Protheroe, Edward, 222, 228, 322, 395, 573, 645, 665, 879, 922, 966, 967, 969, 994, 1077.

Rickards, Robert, 1103.
Ridley, Sir Matthew, 721, 894.
Robinson, A. 274.
Rochfort, G. 744.
Romilly, Sir Samuel, 77, 79, 177, 209, 215, 216, 235, 240, 246, 266, 267, 281, 322, 330, 341, 342, 360, 385, 397, 442, 534, 536, 539, 605, 882, 978, 1003.
Rose, George, 53, 217, 221, 225, 401, 416, 495, 526, 547, 570, 666, 728, 729, 730, 743, 868, 876, 881, 891, 892, 917, 943, 953, 1010, 1021, 1076, 1088, 1090.
Ryder, Richard, 63.

Scott, Sir William, 360, 741.
Sebright, Sir John, 995.
Shaw, Sir James, 254, 373.
Shaw, B. 883.
Shepherd, Mr. Serjeant, *see* Solicitor General.
Smith, C. 78, 255, 373, 547, 1003.
Smith, W. 162, 204, 541, 561, 574, 647, 877, 878, 883, 929, 990, 992, 1035.
Smith, J. 208, 241, 248, 645.
Solicitor General, (Mr. Serjeant Shepherd) 532, 536, 601, 978, 1007.
Speaker, The, (Right Hon. C. Abbot) 41, 64, 80, 81, 280, 382, 383, 384, 395, 475, 575, 620, 665, 822.
Stephen, James, 368, 369, 401, 439, 442, 597, 737, 843, 1047.
St. Paul, H. H. 317.
Sumner, G. H. 50, 52.
Sutton, C. Manners, 200, 215, 216, 383.

Taylor, M. A. 1070.
Thompson, T. 880, 964.
Thornton, R. 273.
Thornton, S. 581.
Thornton, H. 747, 1093.
Tierney, G. 52, 53, 62, 363, 364, 388, 461, 514, 525, 746, 1064.

Vansittart, Right Hon. Nicholas, *see* Chancellor of the Exchequer.

Wallace, Thomas, 390, 926, 927.
Ward, R. 874
Warrender, Sir George, 199.
Wellesley, W. L. 953, 1089.
Western, C. C. 406, 876, 893, 898, 966, 1012, 1086.
Wetherall, Charles, 358, 405, 595.
Whitbread, Samuel, 38, 57, 93, 94, 105, 106, 120, 153, 159, 162, 168, 191, 197, 200, 201, 333, 337, 357, 361, 369, 374, 389, 409, 410, 427, 432, 434, 443, 461, 462, 485, 494, 539, 540, 541, 555, 558, 560, 576, 633, 636, 646, 649, 650, 730, 736, 810, 811, 829, 853, 928, 969, 975, 982, 988, 997, 1008, 1041, 1047, 1059.
Wilberforce, William, 637, 730, 862, 1004, 1078.
Wood, Sir Mark, 926, 943, 1096.
Wortley, Stuart, 1004, 1062.
Wright, F. 171.
Wrottesley, Henry, 385, 748.
Wynn, C. W. 41, 62, 114, 117, 163, 339, 341, 358, 383, 388, 389, 396, 401, 494, 549, 561, 591, 631, 649, 743, 747, 821, 824, 825, 832, 834, 890, 969, 979, 1004, 1019, 1034.
Yorke, Charles, 344, 527, 537, 538, 539.
Yorke, Sir Joseph, 886, 1045.

END OF VOL. XXVII.

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